CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

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ENGLISH

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND NINTH MEETING

held at the Palais des Nations, Geneva,
on Thursday, 8 May 1969, at 10.30 a.m.

Chairman: Mr. A.S. FISHER (United States)

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PRESENT AT THE TABLE

Brazil:	Mr. S.A. FRAZAO
	Mr. C.A. de SOUZA e SILVA
	Mr. L.F. PALMEIRA LAMPREIA
	Mr. J. NOGUEIRA FILHO
Bulgaria:	Mr. K. CHRISTOV
	Mr. M. KARASSIMEONOV
	Mr. I. PEHIRDJIEV
Burma:	U CHIT MYAING
	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. A.G. CAMPBELL
	Mr. J.R. MORDEN
Czechoslovakia:	Mr. T. LAHODA
	Mr. V. VAJNAR
	Mr. J. STRUCKA
Ethiopia:	Mr. A. ZELLEKE
India:	Mr. M.A. HUSAIN
	Mr. K.P. JAIN
Italy:	Mr. R CARACCIOLO
	Mr. F. LUCIOLI OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA
Mexico:	Mr. J. CASTANEDA
	Miss E. AGUIRRE
	Mr. H. CARDENAS RODRIGUEZ
Nigeria:	Mr. L.A. MALIKI

Poland:	Mr. H. JAROSZEK
	Mr. K. ZYBYLSKI
	Mr. H. STEPOSZ
	Mr. R. WLAZLO
Romania:	Mr. N. ECOBESCO
	Mr. V. CONSTANTINESCO
	Mr. V. TARZIORU
	Mr. C. GEORGESCO
Sweden:	Mr. A. EDELSTAM
	Mr. I. VIRGIN
	Mr. R. BOMAN
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. O.A. GRINEVSKY
	Mr. I.I. TCHERKOV
	Mr. N.S. KISHILOV
United Arab Republic:	Mr. H. KHALLAF
	Mr. O. SIRRY
	Mr. Y. RIZK
United Kingdom:	Mr. P. MULLEY
	Mr. I.F. PORTER
	Mr. W.N. HILLIER-FRY
	Mr. N.C.R. WILLIAMS
United States of America:	Mr. A.S. FISHER
	Mr. C. GLEYSTEEN
	Mr. W. GIVAN
	Mr. T.S. WILKINSON
Special Representative of the Secretary-General:	Mr. D. PROTITCH
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (United States of America): I declare open the 409th plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.

2. Mr. FRAZAO (Brazil): Today I intend to present the views of the Brazilian Government on the item on our agenda (ENDC/236, p.3) related to a comprehensive test ban treaty and on the working paper (ENDC/242) submitted by the Swedish delegation.

3. As the Ambassador of India did in his intervention of 17 April (ENDC/PV.404, para.62), I should like to state that we deem adequate the three-tier approach to the ban on nuclear weapon tests and to the agreement on peaceful nuclear explosions. The extension to underground tests of the area of interdiction prescribed by the partial test ban Treaty (ENDC/100/Rev.1) is a most significant measure of arms control. Among other beneficial consequences, the total suspension of nuclear weapon tests will put an effective brake on the development of new sophisticated weapon-systems, thereby decelerating the nuclear arms race. It is certainly in the best interest of all nations, including those which have nuclear capabilities, to arrive without delay at a standstill in the nuclear arms race. It is highly doubtful, to say the least, that the deployment of new weapon-systems enhances the security of any nation. Actually this process inevitably leads to a parallel counter-escalation by the other side and to the resulting waste of resources badly needed to meet other problems of substantial magnitude and greater human significance. It has been implied that a decision on a comprehensive test ban has to be carefully weighed and viewed in connexion with other political developments. As I stated in my first intervention (ENDC/PV.405, para.8) we are bound by the limits of the political realities prevailing in the present international situation. However, we believe that a decision to stop all nuclear weapon tests should not be delayed. It would undoubtedly have a positive impact upon the prospects for strategic arms limitation.

4. In this context I should like to remind the Conference of the final paragraph of the joint memorandum on a comprehensive test ban submitted on 26 August 1968 by the eight delegations of the non-aligned members of this Committee:

> "Pending the conclusion of ... a [comprehensive test ban] treaty, the eight delegations reaffirm their strong and consistent view that the nuclear-weapon States should take immediate steps for the discontinuance of all nuclear weapon tests". (ENDC/235, p.3)

5. We are confident that once a political decision to negotiate a comprehensive test ban was reached, the remaining stumbling blocks could be overcome. I have in

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mind, of course, the problems related to verification and control. I shall not dwell upon them now, because I feel that the present difficulties derive rather from divergences of views between the Soviet Union and the United States as to control provisions than from the lack of a thorough examination of those problems. In these circumstances it might be superfluous to review at this point the vast array of formulae, suggestions and schemes that have been offered to meet such problems. Nevertheless, we believe that an agreement is possible, even if we take it for granted that seismological progress has not yet reached the stage where national means of detection can be deemed sufficient. A moratorium on all nuclear weapon tests above the ten-kiloton range is, for example, a measure that could conceivably be adopted without delay and without being exposed to technical criticism from a seismological point of view. This, however, should not deter us from endeavouring to negotiate with deliberate speed a comprehensive test ban treaty.

6. A reasonable and constructive approach to the problem of control is that contained in article II of the Swedish working paper. It can be legitimately assumed that no country would take the decision to sign and ratify a treaty only in order to perform the complicated and hazardous task of violating it. It is even more doubtful that any country would evade the solemn provisions of an international treaty and risk all the negative political consequences that would certainly entail its violating that treaty in order to obtain benefits which would probably be of limited military significance, especially if we bear in mind the enormous capabilities already held by the nuclear weapon Powers in their nuclear arsenals.

7. May I now turn to the question of the exceptions for nuclear explosions other than military ones. As I said at the outset, we consider the procedural provisions envisaged in the Swedish working paper to be reasonable and pertinent. After setting forth the general rule for a comprehensive test ban, the Swedish proposal introduces the concept of the necessary regulation of the explosions designed to serve peaceful purposes, to be negotiated in a separate agreement. I am sure that no one disputes either that a ban on military tests is necessary or that there must be adequate exemptions to ensure that scientific progress may go on unimpeded, when it is designed to serve the common interests of mankind. Both views have been strongly and consistently held by the Brazilian Government.

8. The Swedish working paper seeks to achieve the first objective, namely to prohibit all nuclear tests for military purposes in all environments. Together with the Moscow partial test-ban Treaty it is intended to become the statute for a

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comprehensive ban on the testing of nuclear weapons. But on the other hand, and as a second objective, it foresees the inescapable need to regulate the exceptions to the general rule.

9. The first objective falls clearly within the scope of the Eighteen-Nation Committee, since it is a typical measure of nuclear arms control, to the achievement of which high priority has been assigned by the General Assembly. It would successfully complement the Moscow Treaty and would constitute an important step in checking the arms race.

10. We would then be confronted with the necessity of negotiating a treaty regulating peaceful nuclear explosions, the third tier of our approach. It is the view of my Government that such regulation covers a field that goes beyond disarmament matters and should be considered within a different economic and political framework. In this context a clear-cut distinction should be made between the international regulation of the peaceful uses of nuclear energy and the measures to limit and reverse trends in the military uses of this same energy. The confusion of those two issues can be regarded as harmful to progress in either direction. The technology of peaceful applications of nuclear explosions is developing and we shall not have to wait too long before the impressive potential of these applications is put to use in specific projects. On the other hand, the knowledge for developing nuclear weapons of mass destruction has gone only too far.

11. Naturally, the complete development of the technology for peaceful uses of nuclear devices could not take place if all nuclear explosions were to be forbidden. The general prohibition of nuclear weapon tests must be so formulated that it does not hinder full-scale civilian use of nuclear devices. Any regulation of the use of such devices will, of course, provide for adequate international safeguards.

12. We consider that the working paper presented by the Swedish delegation deals with the question of peaceful nuclear explosions in a logical and well-balanced manner: it sets forth the general and universal rule of the prohibition that is applicable to all countries, whether nuclear or non-nuclear, without any loopholes, and leaves the question of the regulation of nuclear explosions for peaceful purposes -- which must be negotiated separately in another context -- to be the subject of a special international agreement. Mrs. Myrdal, and the Swedish delegation for that matter, have realistically refrained from going any further in prejudging what the contents of this special international agreement will be. Indeed there is an intrinsic difference between banning nuclear weapon tests, which is the matter before this Committee, and regulating peaceful nuclear explosions.

13. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translation from Russian): Among the problems that have given rise to lively discussion during the present session of the Eighteen-Nation Committee on Disarmament, the question of prohibiting the military use of the sea-bed, the ocean floor and the subsoil thereof has occupied an important place. Many delegations have devoted special statements to this problem. A brisk exchange of opinions on various aspects of this problem and on the provisions of the Soviet draft treaty (ENDC/240) took place at the informal meeting of the Committee on 30 April of this year. All this testifies to the general understanding of the importance of this problem and is an encouraging factor giving grounds for hope that the discussion will enable us to achieve positive results.

14. Consideration of this problem has been concentrated on three important aspects, namely, the scope of the prohibition, the geographical area to be covered by the treaty, and control over the fulfilment by States of the obligations assumed under the treaty.

15. The statements made by representatives, as well as meetings and talks with representatives outside the meetings of the Committee, have enabled us to note that there is taking shape in the Committee a common approach to the solution of two of those aspects, namely, the area to be covered by the future treaty and the methods of defining its limits, as well as the question of control over the fulfilment of the treaty. In the positions of the delegations on these questions there are many points of contact. At the same time substantial differences are observable on the question of the scope of the prohibition.

16. There are two main points of view on this question. The Soviet Union, as is well known, proposes prohibiting any military use of the sea-bed and the ocean floor beyond the limits of a twelve-mile maritime zone. This interpretation of the question corresponds to the fullest extent to resolution 2467 A (XXIII) of the United Nations General Assembly, which notes the need to study the question of "the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor". Such a decision would be in accordance with the interests of peace and security of the peoples and the requirement of preventing the arms race from spreading to the sea-bed and the ocean floor. The Soviet Union's point of view has been supported in the Committee by the majority of the delegations that have spoken on this question.

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17. Thus, the representative of the United Arab Republic, Mr. Khallaf, stated that the position of his country is "to prohibit all military weapons and military activity on the sea-bed" (ENDC/PV.403, para.34). The representative of Sweden, Mrs. Myrdal, stated that "the prohibition must encompass all military installations" (ENDC/PV.405, para.77). The representatives of India (ENDC/PV.404, para.66), Mexico (ENDV/PV.402, para.27) and Brazil (ENDC/PV.405, para.29) expressed themselves in principle as being in favour of the use of the sea-bed and the ocean floor for exclusively peaceful purposes.

18. We have noted that during the current session altogether fourteen delegations have expressed themselves in one way or another in favour of prohibiting military activities on the sea-bed and the ocean floor or have supported the principle of the exclusively peaceful use of that field. The fact that the majority of the members of the Committee have expressed views on those lines is a reflection of world public opinion, which supports the thesis of the need to prevent the arms race from spreading to that part of the globe.

19. The delegations of the United States (ENDC/PV.397, paras. 35 et seq.) and the United Kingdom (ENDC/PV.404, para.21) have defended the point of view that the prohibition of the military use of the sea-bed and ocean floor should be of a partial character and should cover only certain types of military activity, namely that only the placing of weapons of mass destruction on the sea-bed and the ocean floor should be prohibited.

20. In its statement of 3 April of this year, the Soviet delegation dwelt in detail (ENDC/PV.400, paras.12-34) on the arguments put forward by the United States delegation in defence of that point of view. So far we have not heard from the United States delegation any new arguments or clarifications in respect of the position it has adopted. We should have liked the exchange of views in the Committee to be as lively as possible, as this would help the speediest progress to be made. In the interests of speeding up our work, permit me to explain briefly once again why the United States delegation's approach to the problem of prohibiting the military use of the sea-bed and the ocean floor gives rise to objections on our part.

21. In the first place, the kind of ban proposed by the United States would be insufficient, because it would not be able completely to exclude the sea-bed and the ocean floor and the subsoil thereof from the arms race. Nor would such a solution of the question correspond to the provisions of the aforementioned General Assembly

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resolution 2467 A (XXIII). The task is to take effective steps in order to prohibit military activities on the sea-bed and the ocean floor before the arms race spreads to that field. Otherwise we might find outselves faced with the necessity of solving not the problem of preventing an arms race in that field but the problem of putting an end to it, and experience has shown that such a problem is much more complicated.

22. In connexion with the discussion on the question of the scope of the ban on the military use of the sea-bed and the ocean floor, it has been argued that this question should be considered in close connexion with the question of the geographical area to be covered by the treaty. Thus, the United Kingdom representative, Mr. Mulley, speaking on 17 April, said:

> "Those two questions are closely linked and cannot be pursued separately; the area can be finally agreed only when we know what is to be banned, and vice versa." (ENDC/PV.404, para.20)

We should like the United Kingdom delegation to explain to us what, in its opinion, that link consists in. Should it be understood to mean that the more complete the prohibition the narrower will be the area to be covered? Or, vice versa, the narrower the concept of prohibition the wider will be the area to be covered?

23. In connexion with the discussion on the question of the scope of the prohibition some delegations have expressed the opinion that it would be desirable to define more precisely and enumerate the types of military activity which should be subject to prohibition on the sea-bed and the ocean floor. Experience has shown that attempts to draw up precise lists of various types of weapons and structures, or of various types of military activity, have often proved to be unnecessary and unsuccessful. On the contrary, broad, comprehensive concepts do not grow obsolete, since they apply also to new types of weapons or means of warfare.

24. The wording used in the Soviet draft treaty is sufficiently broad and covers the main types of military activity on the sea-bed and the ocean floor, and, moreover, not only those which are possible at the present time but also those which may become possible as a result of the development of military techniques.

25. In connexion with the discussion on the question of the scope of the prohibition there have been put forward proposals not to prohibit the use of the sea-bed and the ocean floor for the emplacement of defensive weapons. We believe that such a solution would be wrong, since by making an exception for certain types of armaments on the sea-bed, we would thereby fail to accomplish the task of preventing an arms race in that field. Experience has also shown that the difference between defensive and

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offensive weapons is very relative and that so-called defensive weapons can also be used for offensive purposes. Moreover, such an approach would lead us into a maze of endless discussions concerning concepts, definitions, exceptions and so on.

26. The wish has also been expressed that definitions should be worked out for such concepts as "military base", "military installation" and so on. We believe that it is hardly necessary for us to set about defining these concepts more precisely. The concepts in question have been used repeatedly, and are being used, in international treaties and agreements. It suffices to refer to the fact that similar concepts have been used in the elaboration of the Antarctic Treaty[1/] and the Treaty on Outer Space (General Assembly resolution 2222 (XXI annex). Since those Treaties have been in force, none of the states parties to the Treaties has ever questioned the accuracy or definitiveness of those terms.

27. In connexion with the discussion on the question of the scope of the prohibition, some delegations have referred to earlier statements of the Soviet delegation to the effect that a complete ban on the use of the sea-bed and the ocean floor for military purposes would not mean prohibiting the emplacement and use of means of communication, beacons and other structures having no direct military purpose, nor would it mean prohibiting the use of military personnel and auxiliary military equipment for peaceful research. Attempts have been made to interpret those statements as a kind of exception to the comprehensive ban proposed by the Soviet Union on the military use of the sea-bed and the ocean floor, and some delegations intimated that it would, allegedly, be desirable that the Soviet Union should make also other exceptions.

28. In connexion with such attempts at interpretation the Soviet delegation deems it necessary to explain that what is concerned in both cases is the peaceful use of the sea-bed, namely, the conducting of scientific research for peaceful purposes and the emplacement of means of communication, beacons and other structures having no direct military purpose. This is precisely what the Soviet delegation spoke about in its earlier statements, giving these examples as types of peaceful activity which do not at all conflict with the aim of completely banning the use of the sea-bed and the ocean

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1/ United Nations Treaty Series, vol.402, pp.71 et seq.

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floor for military purposes. The aforesaid types of activity cannot be regarded as "exceptions" to the principle of prohibiting the use of the sea-bed and the ocean floor for military purposes.

29. Further, we should like to put forward some considerations on the question of the geographical area to be covered by the treaty. In this problem there are two aspects, and we are gratified to note that in regard to both of them there are no differences of principle in the positions of the delegations.

30. First, the question of the compass of such a geographical area. Many delegations have expressed themselves in favour of the thesis that the treaty should cover as great a part of the sea-bed and ocean floor as possible. Thus, the representative of India, Mr. Husain, stated:

> "As regards the definition of limits beyond which the prohibitions should apply, there would appear to be no disagreement that as large an area of the sea-bed as possible should be reserved for peaceful purposes." (ENDC/PV.404, para.68)

The representative of Sweden, Mrs. Myrdal, stated that "the geographical area to be covered by the prohibition should be as large as possible." (ENDC/PV.405, para.78)

The United States representative, Mr. Smith, speaking on 25 March, stated that:

> "... the United States believes that the goal should be to apply the arms control measure to as broad an area of the sea-bed as possible; therefore the prohibition should, we think, apply to the sea-bed beyond a narrow band along the coasts of States." (ENDC/PV.397, para.42)

31. That is precisely the approach underlying the Soviet draft treaty, which envisages that the prohibition of measures of a military nature should cover the whole area of the sea-bed and the ocean floor beyond the twleve-mile maritime zone of coastal States. We are convinced that with such an approach it is possible to have the maximum area possible covered by an agreement on the demilitarization of the sea-bed and the ocean floor.

32. Secondly, the question of the method of defining the limits of the area to be covered by the treaty. Practically all the delegations that have spoken on this question have mentioned the desirability of separating this matter from the question of the limits of national jurisdiction, territorial waters and so on, and of working out,

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in order to define such limits, other criteria which would not affect and would not prejudge the complicated and controversial legal issues connected with the problem of the limits of national jurisdiction.

33. We believe that such an approach is the most realistic and therefore the most promising for a solution of the problem before us. Guided by the desire to separate the question of the limits of the area to be covered by the treaty from controversial questions concerning the limits of national jurisdiction, the Soviet Union has proposed establishing for the purposes of this treaty a twelve-mile maritime zone, beyond which the military activities of States on the sea-bed and the ocean floor and the subsoil thereof would be prohibited. In doing so we have in mind that the establishment and existence of such a zone would in no way affect problems of the national jurisdiction of coastal States and would not create obstacles to the exploitation of the natural resources of the seas and oceans.

34. We believe that the closeness of the points of view as regards the principle of the approach to this problem gives us grounds to hope for the achievement of agreement in this matter and in regard to the concrete application of such a principle. Our proposal for a twelve-mile coastal zone provides such a concrete solution of the question.

35. In connexion with consideration of the proposal to establish a twelve-mile maritime zone some apprehensions have been expressed regarding the rights of States whose territorial waters are narrower than the proposed twelve-mile maritime zone. What those apprehensions are concerned about is that States whose territorial waters do not stretch to a width of twleve miles might, it is alleged, find that foreign military installations would be moved closer than twleve miles from their shores. There are no grounds for such apprehensions. The Soviet proposal for the establishment of a twelve-mile maritime zone is based on the premise that such a zone is to be established for all coastal States irrespective of the width of their territorial waters. Consequently, also those States whose territorial waters are under twelve miles would be protected by the twelve-mile zone established for the purposes of this treaty. The solution to the problem which we propose is aimed at creating equal conditions for all States and does not allow of any interpretation that would lead to infringement of the rights of States whose territorial waters are narrower than the twleve-mile maritime zone.

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36. The question has also been raised in the Committee whether, in defining the limits of the area to be covered by the treaty, it would not be possible to combine the principle of a certain distance from the shore with the principle of the depth of the maritime waters. We believe that such a "combined" method would be wrong, first of all, because it would put the coastal States on an unequal footing by virtue of the difference in the geographical conditions of their situation and the nature of the surrounding sea-bed. Apart from all else, an attempt to co-ordinate such a method would give rise to great difficulties and might delay for a long time the elaboration of a treaty prohibiting the military use of the sea-bed and the ocean floor.

37. Some representatives have also referred in their statements to questions of how the treaty would apply to international straits, gulfs and so on. The Soviet draft treaty contains an answer to those questions. Article 3 reads:

> "The outer limit of the twelve-mile maritime zone established for the purposes of this Treaty shall be measured from the same base-lines as are used in defining the limits of the territorial waters of coastal States."

38. Thus, in defining the limits of this zone, account will be taken of the practice of States and the experience of international relations accumulated so far, which has been given expression in agreements and conventions. In particular, the Convention on the Territorial Sea and the Contiguous Zone signed in Geneva in 1958[2/] contains precisely formulated principles for determining the base-lines to be applied in designating the territorial waters of coastal States.

39. Turning to the question of control over fulfilment of the treaty, we note the existence of many points of contact in the positions of delegations on this question. Many of the delegations that have spoken have stressed the need to establish control and have suggested that we should be guided in this by the principles worked out for the verification of compliance with the Antarctic Treaty and the Treaty on Outer Space.

2/ United Nations Treaty Series, vol.516, pp.205 et seq.

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40. This, in our opinion, would be a reasonable approach, since the aforesaid two treaties and the proposed treaty on prohibition of the use for military purposes of the sea-bed and the ocean floor and the subsoil thereof, while differing in some respects, have many points in common as regards the nature of the problem and the solution proposed.

41. The draft treaty submitted by the Soviet delegation provides for the system of control used in those agreements, namely, free access to objects placed on the sea-bed and the ocean floor and the subsoil thereof, by States parties to the treaty on the basis of reciprocity.

42. Some delegations, if we are to judge from their statements in the Committee, maintain the position that the complete prohibition of the use for military purposes of the sea-bed and the ocean floor and the subsoil thereof would complicate the problem of control. Thus, for instance, the United States representative said on 25 March:

> "Consideration of the verification question also demonstrates the need to restrict the scope of the prohibition to weapons of mass destruction, since otherwise the task of inspecting the multitude of present and future facilities would be beyond capabilities." (ENDC/PV.397, para.41)

43. Such a point of view is incomprehensible to us. We have already pointed out in our statement of 3 April that, in our opinion, the complete prohibition of the use for military purposes of the sea-bed and the ocean floor would facilitate, whereas a partial ban, being limited to prohibiting only the emplacement of weapons of mass destruction, would complicate the problem of control (ENDC/PV.400, paras.22-27). We should like the United States delegation to explain its view that a partial ban would facilitate the problem of control.

44. Some representatives have raised the question whether it would not be possible to give control an international character. In our opinion, there is no need for this. Control based on the principle of free access has proved its effectiveness, particularly in verifying compliance with the Antarctic Treaty.

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45. The use of international means of verification would greatly complicate the problem of control, and the control machinery itself would most probably be cumbersome and inflexible. It should also be noted that the adoption of an international system of control would require substantial funds and appropriate personnel that could be used for other, more urgent needs.

46. Besides the aforementioned three important aspects of the problem of prohibiting the use for military purposes of the sea-bed and the ocean floor, the statements of delegations also touched upon other questions connected with the draft treaty, for instance, the question of the depositary countries; of the minimum number of ratifications required for the treaty to enter into force; of certain formulas of the preamble and so on.

47. We believe that these questions deserve consideration, but it will be easier to find solutions to them if we reach agreement on the basic questions. In this connexion I should like to stress that it is important that amendments or additions to the provisions of the treaty should be aimed at strengthening it and not at weakening it.

48. We should like to hope that as a result of the discussion the Committee will be able to come to a constructive decision and that in the Committee's report to the twenty-fourth session of the United Nations General Assembly we shall be able to state that we have succeeded in achieving a mutually acceptable solution which meets the interests of the peoples and is in accordance with the recommendations of the United Nations General Assembly, particularly its resolution 2467 A (XXIII).

49. We are convinced that to do so the necessary objective conditions exist and that the treaty prohibiting the use for military purposes of the sea-bed and the ocean floor and the subsoil thereof can become in the fairly near future a real fact, exercising a positive influence on international life and on the further progress of the cause of disarmament. The Soviet delegation for its part will endeavour to contribute to the utmost to such a solution of the problem.

50. Mr. ECOBESCO (Romania) (translation from French): The Romanian delegation wishes to devote its statement today to the important and urgent questions relating to nuclear disarmament. Reference has frequently been made in this Committee to the reasons which make it necessary to negotiate without further delay agreements designed to halt the atomic arms race so as to lead in the end to the elimination of nuclear weapons. There are, however, two factors which are particularly relevant to the present stage of our negotiations.

51. First of all, we have in mind the serious danger implicit in the existence of nuclear weapons and their enormous capacity for destruction. This is the decisive factor which requires that energetic measures should be taken to eliminate such means of mass destruction and to remove the threat which they represent for the whole of mankind.

52. Secondly, the paramount importance of nuclear disarmament stems from significant documents which must guide negotiations at the stage we have reached. In fact, the legal obligation contained in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (ENDC/226*), the resolutions of the United Nations General Assembly and the agenda adopted by the Committee on 15 August 1968 (ENDC/236, p.3) define the task precisely -- the task of giving absolute priority to measures designed to halt the atomic arms race and to achieve nuclear disarmament and of examining these measures as a matter of urgency.

53. The criterion of the effectiveness of negotiations has been and still is the drawing up of specific agreements capable of directly attacking the nuclear weapons arsenals and of leading, finally, to the elimination of such weapons. The Romanian delegation holds that it is necessary to proceed with full and complete responsibility and with the utmost speed to the negotiation of such agreements.

54. It is in a spirit of consistency that we have declared ourselves in favour of, and have worked for, the taking of real steps along the road to nuclear disarmament. We wish to repeat, yet again, that Romania resolutely supports the accomplishment of radical measures capable of checking the nuclear arms race and of leading to the reduction and, finally, the elimination of the atomic threat. Accordingly we have supported, and continue to support, the efforts designed to abolish the use of nuclear weapons, to prohibit the underground testing of such weapons, to end their production, to reduce and destroy the stockpiles of nuclear weapons, to establish denuclearized zones and to limit and reduce offensive strategic systems and anti-missile defence systems.

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55. In this context, we should also like to mention the proposal put forward by the delegation of the Soviet Union to prohibit the use of the sea-bed and the ocean floor and the subsoil thereof for military purposes (ENDC/240), which has obvious implications for nuclear disarmament problems also.

56. We should now like to set forth our views on certain measures the implementation of which would smooth the way towards agreements of wider scope. We have in mind the prohibition of the use of nuclear weapons, the banning of all tests of such weapons and the establishment of denuclearized zones in various parts of the world. From the moment when the explosion of the first atomic bomb profoundly shook humanity to the present day, the prohibition of the use of these weapons has constantly been an ardent aspiration of all peoples, an aspiration dictated by the imperative need to preserve civilization and the human species. In that respect the concern and the efforts of the international community to outlaw nuclear weapons fit in quite naturally with the noble task -- manifested throughout the centuries -- which mankind has set itself in order to put reason and justice at the basis of relations between States and to remove the settlement of disputes from the realm of force.

57. The prohibition of the use of nuclear weapons would consequently be in keeping with the highest traditions which humanity has always encouraged and cultivated for the well-being of all, traditions which our generation has the duty to maintain and raise to a higher level. The condemnation of nuclear weapons -- a separate measure which occupies a well-defined place among the actions designed to reduce and eliminate the atomic hazard -- stems directly from the standards which must govern relations between States, from the fundamental principle of international law, as enshrined in the United Nations Charter and reaffirmed by United Nations resolutions, which forbids States to resort to force or to the threat of the use of force in their relations.

58. It was on the basis of those considerations that the United Nations General Assembly adopted, on 24 November 1961, the well-known Declaration which states that:

> "The use of nuclear and thermo-nuclear weapons is contrary to the spirit, letter and aims of the United Nations and, as such, a direct violation of the Charter of the United Nations"

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and that

"Any State using nuclear and thermo-nuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity and as committing a crime against mankind and civilization" (resolution 1653 (XVI)).

59. Contemporary international law prohibits and condemns the use of any inhuman weapon; it condemns acts which are particularly dangerous and harmful to the values of civilization and the vital interests of the peoples. It is quite obvious that nuclear weapons and their use fall within those criteria. An eminent French jurist has said:

"We are bound to note that the use of the nuclear weapon must be considered, in the light of positive international law, not only as an unlawful act, but also as an infraction of international order and subject to penal sanctions. Indeed, since this weapon threatens in the highest degree the very existence of the international community and therefore the possessions which international law is designed to protect in the most effective way, and since, furthermore, by the effect it produces it is the most inhuman of all the weapons now existing, it must be admitted that the use of this weapon encompasses all the elements required for it to be classed among the infractions of international order."

And if the unanimously recognized principles of international law condemn recourse to the nuclear weapon, then the conclusion of an agreement expressly prohibiting this weapon cannot but result from the general standards of legality which it is incumbent upon all States strictly to respect.

60. If it is to produce such effects, the document to be drafted will need to have a binding legal value so that its universal observance can be imposed. In short, it will need to have the force of law. That is why we have declared ourselves and still declare ourselves to be in favour of the drawing up of an international convention explicitly and completely prohibiting the use of nuclear weapons. Such a measure would have profound political, legal and moral implications. From the political standpoint, it would help to improve the international climate, to encourage a relaxation of tension and mutual confidence and to facilitate progress along the road to the destruction of nuclear weapons. On the legal and moral planes, this measure would be a powerful factor of self-restraint in the behaviour of States

(Mr. Ecobesco, Romania)

and would strengthen international legality Of course we proceed on the basis of our unshakeable confidence in the value and the sacred force of law and its resources, placed at the service of the noble objectives of peace.

61. The essential task and the central purpose of international law are to preserve peace and security -- in the interest of the whole world -- to promote and defend respect for the fundamental rights of States, to ensure the conditions which are indispensable for the development of all the nations of the world, for their material and spiritual progress. It goes without saying that a decisive prerequisite for the well-being and flourishing of the human personality as well as of each nation is the maintenance of peace and the strengthening of security.

62. It is in this context that we wish to emphasize the importance that Romania attaches to the question of security assurances for the non-nuclear-weapon States. As is well known, this question was raised in all its acuteness in connexion with the negotiation of the Non-Proliferation Treaty Like many other States, Romania considered and still considers that countries which renounce the possession of nuclear weapons under that Treaty are entitled to ask that their security should be effectively assured. That is precisely why it appears fully justified to require that, until nuclear weapons have been completely eliminated, assurances should be given to countries not possessing such weapons that they will not be attacked or threatened with the use of nuclear weapons. It is incumbent upon nuclear-weapon States to undertake never, under any pretext whatsoever, to use nuclear weapons against non-nuclear States and never to threaten those countries with the use of such weapons. In this connexion it is necessary to adopt an appropriate instrument that would embody such a commitment.

(Mr. Ecobesco, Romania)

63. The particular importance of the question of security assurances was strikingly brought out at the Conference of Non-Nuclear-Weapon States held in September 1968. In the Declaration adopted on that occasion, it was stated that:

> "The participants of the Conference noted that there was a general acceptance of the fact that the future of mankind cannot be secure without the complete elimination, in the spirit of the United Nations Charter, of the use or threat of use of force. The Conference agreed that peace and progress could not be safeguarded for any nation unless the security of all nations is assured. The Conference stresses the necessity of further steps for an early solution of the question of security assurances in the nuclear era." (A/7277, pp.17-18).

Under the terms of that Declaration and by virtue of General Assembly resolution 2456 (XXIII) (ENDC/237) of 20 December 1968, an adequate solution to the question of security assurances must be of constant concern to States, both in the Eighteen-Nation Committee and in the United Nations.

64. The Romanian delegation is convinced that, by unflagging efforts and research carried out in common, in a spirit of co-operation and mutual understanding, it will be possible to achieve a satisfactory solution.

65. I now turn to one of the measures in the field of partial actions and agreements which, by its nature, is directly aimed at stopping the process of improving nuclear weapons and of increasing their destructive capacity. I refer to the cessation of underground nuclear weapon tests, the continuation of which serves only to intensify the atomic arms race which has long since reached saturation point.

(Mr. Ecobesco, Romania)

66. The urgent need to draw up an international agreement on the prohibition of tests arises not only from the direct influence of such tests on the development, both from the qualitative and the quantitative standpoints, of the nuclear arsenals. The accomplishment of such a measure stems also from the need to bring to a successful conclusion an action that began six years ago with the conclusion of the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water (ENDC/100/Rev.1).

67. The goal which has been steadfastly pursued is the definitive stopping of all atomic tests for military purposes. In laying down the prohibition of tests in the three environments, the Moscow Treaty of 1963 did not have as its purpose the perpetuation of such tests in the underground environment. It is only through an erroneous interpretation - serving unilateral interests - of the spirit and the letter of the Treaty that such a conclusion could be reached.

68. Parallel with the prohibition of tests in the atmosphere, in outer space and under water, the Treaty stipulates that efforts shall be made with a view to the prohibition of such tests underground also. The third paragraph of the Preamble contains the provision, which is a guideline, concerning "the discontinuance of all test explosions of nuclear weapons for all time" and the determination of the parties to continue negotiations to that end with a view to putting "an end to the contamination of man's environment by radioactive substances". We thus have a clear definition of the objective of the prohibition of underground nuclear tests while, at the same time, the organic link between this measure and the 1963 Treaty is highlighted.

69. A retrospective glance at the period which has elapsed since the signing of the Moscow Treaty shows that, while discussions concerning the conclusion of an agreement to prohibit all tests of nuclear weapons for military purposes have been carried on intermittently and have never gone beyond the stage of general statements, underground explosions have continued at an accelerated pace, thus extending the atomic arms race. This situation is not at all in keeping with the meaning which the signatory States gave to the Moscow Treaty, namely, the need to discontinue all nuclear and thermonuclear tests.

70. Reference has been made and continues to be made to the obstacle represented by the establishment of an adequate control system. In fact, all the proposals and initiatives put forward during the last few years, especially by the eight non-aligned countries participating in our work, have been blocked by considerations of control.

(Mr. Ecobesco, Romania)

71. In our opinion - and similar views have been expressed by the delegations of many other States, both in the United Nations and in this Committee - the difficulties relating to control are not convincing arguments and cannot justify postponing the conclusion of an agreement on the prohibition of underground nuclear weapon tests. This is all the more true because scientific and technical progress has disclosed new data which strengthen the thesis that it is possible to carry out verification by modern means of detection and identification. The question is essentially a political one. As has been emphasized here repeatedly, its solution depends upon the political will of States - and upon that of the nuclear Powers in the first place - to come to an agreement.

72. In the case of the non-proliferation Treaty, which is aimed at a more complex regulation, it was possible to find a solution to the control problem. Does the agreement on the cessation of underground tests - which, by its object and its scope, appears to be a more limited measure - raise insurmountable difficulties regarding control? The elements available to the Committee point towards an answer in the negative. We consider that, if the nuclear Powers are determined to put an end to such tests, the conditions for a mutually acceptable solution exist.

73. The Romanian delegation shares the views that have been widely expressed here that the Committee has reached a stage where it becomes necessary to enter into intensive and persistent negotiations on the cessation of nuclear weapon tests. As the debate has brought out, it is the duty of the Committee, under General Assembly resolution 2455 (XXIII) of 20 December 1968:

> "... to take up as a matter of urgency the elaboration of a treaty banning underground nuclear weapon tests and to report to the General Assembly on this matter at its twenty-fourth session" (ENDC/237)

It should be pointed out that what the General Assembly requires of us is not an interim report but a report that will note the concrete results of our negotiations.

74. Moreover, there are certain circumstances which could facilitate discussions on this subject. We are thinking particularly of the fact that, unlike previous sessions, this time the Committee has before it, thanks to the commendable initiative of the Swedish delegation - and we should like to take this opportunity to congragulate that delegation - a working paper (ENDC/242) containing practical suggestions concerning the content of a treaty dealing with the cessation of underground nuclear weapon tests. After nearly six years of discussions, we can at last concentrate on a

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text drafted in treaty language. This is undoubtedly a positive fact which should advance our activities and enable us better to define both the questions in which a consensus already exists and those where persevering efforts are required so as to eliminate the differences in views.

75. In our opinion, the Swedish draft treaty has precisely the merit of rendering such a discussion possible while at the same time providing formulas which enable a thorough analysis to be made. The Romanian delegation does not intend to refer to that document in detail at the present stage of our discussions. Nevertheless, we would point out that it contains some original solutions, including those relating to control, which lend themselves to consideration by our Committee and require careful examination.

76. We also note that the draft treaty places the question of the prohibition of underground tests within the broader context of the cessation of the nuclear arms race at the earliest possible date and of measures in the direction of nuclear disarmament: that it reaffirms the important principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all parties to the treaty; and that it proclaims that resources, freed by measures of disarmament, should be channelled, to the greatest extent possible, to social and economic development, particularly of developing countries. After delegations have made known their general views on this working paper, it will doubtless be useful to subject it, as the eminent Swedish representative, Mrs. Alva Myrdal, suggested, to a "full and detailed discussion" (ENDC/PV.399, para.47).

77. To conclude this statement, I should like to refer to the question of denuclearized zones. The Romanian delegation considers that one of the measures which could help towards meeting the desire of the peoples for the realization of effective ways and means of eliminating the danger of the use of nuclear weapons is the establishment of denuclearized zones in various parts of the world, together with an undertaking by the nuclear States not to use atomic weapons against countries belonging to such zones, as well as the provision of adequate assurances concerning respect for the denuclearization status. The establishment of such zones is one of the factors designed to strengthen mutual confidence and good-neighbour relations among States in the respective regions and this would have positive effects on the consolidation of international peace and security.

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78. In considering this measure in the light of its beneficial effects on the general peace, Romania has hailed the signing of the Treaty for the Prohibition of Nuclear Weapons in Latin America (ENDC/186) and supports the proposals to establish similar denuclearized zones in Europe, Africa and other parts of the world. Working unremittingly in favour of the establishment of a healthy climate of détente, understanding and co-operation among States in the geographic region in which it is located, Romania, as is well known, has made proposals, which remain entirely relevant, that the Balkans should be transformed into a zone of good neighbourliness, free of nuclear weapons. The normalization of relations between the Balkan States, the intensification of their efforts and activities aimed at improving the climate in that part of Europe, the transformation of the Balkans into a zone of international peace and co-operation, would serve the interests of all the Balkan countries and would be, at the same time, an important contribution to the achievement of security on the European continent.

79. We endorse the view that the actual starting of multilateral discussions on the question of denuclearized zones might stimulate action and initiatives on the part of States which are interested in establishing such zones in the areas in which they are located.

80. The working document (ENDC/241) submitted by the Mexican delegation - for which we should like to express our appreciation - summarizes, while briefly recalling the negotiations which culminated in the conclusion of the Treaty of Tlatelolco, a positive experience which will be useful in the efforts that are being made to establish denuclearized zones in other geographic areas. We should like to take this opportunity to congratulate the Mexican delegation on the entry into force of that Treaty, an act which crowns the efforts made by the Latin American States over a number of years, efforts to which Mexico has made a valuable contribution. We regard as very thought-provoking the following comment contained in the Mexican working document:

> "... if it were feasible, for example, to bring into force a universal treaty similar to the Treaty for the Prohibition of Nuclear Weapons in Latin America, or Treaty of Tlatelolco, the problem of nuclear disarmament would be automatically solved, for this would imply the elimination of the gigantic nuclear arsenals existing in the world today." (ibid., p.1).

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81. So far as we are concerned, we should like to reaffirm that Romania desires to make its contribution to the achievement of that objective which is in full and complete accordance with the paramount desire of the nations to live in a peaceful world, from which the threat of nuclear weapons has been banished for ever.

The Conference decided to issue the following communiqué:

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 409th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of Mr. Adrian S. Fisher, representative of the United States of America.

"Statements were made by the representatives of Brazil, the Union of Soviet Socialist Republics and Romania.

"The next meeting of the Conference will be held on Tuesday, 13 May 1969, at 10.30 a.m."

The meeting rose at 11.55 a.m.

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

ENDC/PV.410
13 May 1969
ENGLISH

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND TENTH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 13 May 1969, at 10.30 a.m.

Chairman: Mr. S.A. FRAZAO (Brazil)

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PRESENT AT THE TABLE

Brazil:	Mr. S.A. FRAZAO
	Mr. C.A. de SOUZA e SILVA
	Mr. L.F. PALMEIRA LAMPREIA
	Mr. J. NOGUEIRA FILHO
Bulgaria:	Mr. K. CHRISTOV
	Mr. M. KARASSIMEONOV
	Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. J.R. MORDEN
Czechoslovakia:	Mr. T. LAHODA
	Mr. V. SAFAR
	Mr. J. STRUCKA
Ethiopia:	Mr. A. ZELLEKE
India:	Mr. M.A. HUSAIN
	Mr. N. KRISHNAN
	Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO
	Mr. F. LUCIOLI OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA
Mexico:	Miss E. AGUIRRE
	Mr. H. CARDENAS RODRIGUEZ
Nigeria:	Alhaji SULE KOLO
	Mr. C.O. HOLLIST
	Mr. L.A. MALIKI

DEPOSITORY

Poland:	Mr. H. JAROSZEK
	Mr. K. ZYBYLSKI
	Mr. H. STEPOSZ
	Mr. S. DABROWA
Romania:	Mr. V. CONSTANTINESCO
	Mr. V. TARZIORU
	Mr. C. GEORGESCO
	Mr. C. MITRAN
Sweden:	Mr. A. EDELSTAM
	Mr. S. ERICSON
	Mr. R. BOMAN
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. I.I. TCHEPROV
	Mr. N.S. KISHILOV
United Arab Republic:	Mr. O. SIRRY
	Mr. E.S. El REEDY
	Mr. M. ISMAIL
United Kingdom:	Mr. F. MULLEY
	Mr. I.F. PORTER
	Mr. W.N. HILLIER-FRY
	Miss V. HUGHES
United States of America:	Mr. A.S. FISHER
	Mr. C. GLEYSTEEN
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Special Representative of the Secretary-General	Mr. D. PROTITCH
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Brazil): I declare open the 410th plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.

2. Mr. IGNATIEFF (Canada): The Canadian delegation has now had the opportunity to give preliminary consideration to the Soviet draft treaty on prohibition of the use for military purposes of the sea-bed and the ocean floor and the subsoil thereof (ENDC/240). We have also listened with great interest to the statements which have been made on this subject, especially those by the representatives of the United States at our meeting on 25 March (ENDC/PV.397, paras. 26-43), and the Soviet Union at our meeting on 3 April (ENDC/PV.400, paras. 2 et seq.) and again at our meeting on 8 May (ENDC/PV.409, paras. 18 et seq.). Today I do not propose to address my remarks directly to or to go too much into the details of the draft Soviet treaty, nor shall I attempt at this stage of our discussions to delineate a definitive Canadian position on the issues it raises. Instead, my purpose is to offer some preliminary comments and to put forth some very tentative suggestions and ideas that I hope may be helpful in our progress towards agreement.

3. Throughout the discussions in the General Assembly we made it clear that Canada would give its full support to any statement, declaration or resolution which would establish that the largest possible area of the sea-bed and ocean floor should be reserved exclusively for peaceful purposes. Such an attitude seems to us to follow logically from our subscription to the principles of the United Nations Charter, among which the maintenance of international peace and security occupies such an important place. A number of representatives during those discussions held the view that the expression "exclusively for peaceful purposes" should not be given an interpretation so wide as to deprive it of logic and meaning. The Canadian Government associated itself with that view in its intervention in the First Committee of the General Assembly on 5 November 1968 when the Canadian representative stated:

> "We are aware that the term 'peaceful purposes' is open to more than one interpretation. We do not interpret the phrase as prohibiting all military uses. While we strongly oppose military installations for offensive purposes, we have reservations about the desirability of precluding the use of the sea-bed adjacent to a coastal State for purely defensive purposes. In sum, we consider that the exploitation and use of the sea-bed and the ocean floor beyond the limits of national jurisdiction should be carried out in a manner consistent with the United Nations Charter". (A/C.1/PV.1599, provisional, p.28)

(Mr. Ignatieff, Canada)

4. We recognize that just as the Charter did not succeed by its mere existence in solving all the problems of the international community, similarly the simple reiteration of the principle of the use of the deep ocean floor for peaceful purposes would be insufficient to guarantee that a new armaments race would not occur in that part of the globe. Practical measures are required to achieve our objectives and in particular to resolve what we have regarded as the most urgent problem — namely, the prohibition of the emplacement of all nuclear weapons and other weapons of mass destruction on the sea-bed and ocean floor. We recognize that since we subscribe to the objective of general and complete disarmament, other measures relating to the sea-bed and ocean floor will have to be envisaged in due course. However, what is now within our grasp is a solution which rests on a limited and practical basis, which will be assured of the agreement of a large number of States -- especially that of the maritime States well equipped to exploit the ocean depths -- and which will include a system of verification of compliance adequate to assure all signatory States that the agreed prohibitions are being observed. That is, of course, of direct concern to a country such as Canada which has frontiers on three of the world's great oceans — the Atlantic, the Pacific and the Arctic.

5. One idea that might be considered, for example, in elaborating an agreement prohibiting the emplacement on, within, beneath, or fixed to the sea-bed or ocean floor, beyond a zone extending twelve miles from the base lines used in defining the limits of the territorial sea of coastal States, is the prohibition of:

(a) all nuclear weapons and all weapons of mass destruction;

(b) all components of nuclear weapons and weapons of mass destruction;

(c) storage containers, launching platforms or vehicles for deployment or delivery of nuclear weapons and weapons of mass destruction;

(d) all other weapons, military activities, undersea bases or fortifications from which military action could be undertaken against the territory, territorial sea or air space of another State,
including but not limited to:

(i) shore bombardment weapons or systems

(ii) devices capable of disrupting communications, air and maritime navigation and other peaceful pursuits

(iii) devices to counter, disrupt, neutralize or render ineffective any defensive instruments of another State -- that is, detection, surveillance, defensive fire control and so on,

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(iv) installations from which manned incursions could be mounted against another State

(v) chemical or other means of destroying or denying the sea-bed resources of another State.

That idea would, of course, present some verification problems. However, we are not convinced that these problems would be any more difficult than those involved in verifying the proposals put forward by the representatives of the USSR and the United States.

6. It will be apparent from what I have just said that we consider that article 1 of the Soviet draft treaty is badly lacking in precision. For example, the second paragraph of article 1 contains words and phrases which are too imprecise -- namely, "structures", "installations", and "other objects of a military nature". We share some of the misgivings expressed by our Indian colleague (ENDC/PV.404, paras. 65-71), because Canada, like India, has an extensive coastline and many large islands which lie far from our mainland. Under Article 51 of the United Nations Charter we cannot accept the proposition that Canada should be prohibited from placing in coastal waterways, straits and the ocean depths at far greater distances than twelve miles surveillance devices which can detect the approach to our shores of ships, submarines or weapons, so long as these military vehicles have freedom to navigate in the approaches to our shores. Similar devices are used in traffic control and as navigational aids. Some are moored, others are not. There would be other problems resulting from a sweeping general prohibition, but our difficulty in the case I have cited is the most obvious.

7. As I mentioned earlier, we believe that disarmament prohibitions within territorial waters fall outside the scope of the present negotiations, and already there seems to be some consensus in this Conference on a narrow zone or coastal band of twelve miles within which coastal States would have unrestricted rights with respect to military activities. There is, however, a potential area of difficulty presented by this concept of the narrow coastal band. I refer to the fact that since many States have a territorial sea of less than twelve miles, a gap is left between the outer limits of their territorial sea and the outer limits of the twelve-mile coastal band. Now I know that the representative of the Soviet Union offered assurances on this point at our meeting on 8 May (ENDC/PV.400, para. 35); nevertheless, according to the present text of the Soviet draft treaty, this area would not be covered by the treaty's prohibitons. Accordingly, it may be arguable that this belt would be open to unrestricted military

(Mr. Ignatieff, Canada)

activity by any State and not only the coastal State. Canada could not, of course, accept such a situation, nor, presumably, could any other maritime Power.

8. This problem of the gap between the twelve-mile coastal band and the territorial sea of many States suggests that we should consider another, not unrelated problem. Under existing international law a coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources. No other State may undertake these activities, or undertake any research on the continental shelf, without the consent of the coastal State. In discussion of this question elsewhere, some representatives have maintained that the jurisdiction of the coastal State does not extend to the freedom to install structures or devices which are unrelated to the "exploration and exploitation of the natural resources" of the continental shelf — for example, purely defensive listening devices. It can readily be concluded, however, that States are not likely to ignore their security requirements simply because the Geneva Convention of 1958 on the Continental Shelf[1/] is silent or unclear on the subject. Moreover, it can be argued with greater force that, in spite of the provisions of that Convention which concern freedom of navigation and the laying of submarine cables and pipelines, it is difficult to reconcile the coastal State's sovereign rights with freedom of military activity of any sort by foreign States on its continental shelf. Certainly Canada could not accept such activity on its continental shelf.

9. One suggestion that has been advanced as a means of circumventing some of these difficulties is the concept of a defensive zone adjacent to the proposed twelve-mile security band extending perhaps 200 or more miles from the outer limits of that twelve-mile band. The same general prohibitions of the proposed treaty could apply within this 200-mile defensive zone, with one exception — namely, that the coastal State, and only the coastal State, would be allowed to undertake in that zone whatever limited defensive activities were permitted under the treaty. No other State could carry out such activities in the area in question except with the explicit consent of the coastal State. Such an arrangement would also take into account the fact that few States could view with equanimity purportedly defensive activities undertaken by another State in areas of the sea-bed adjacent to their coasts.

1/ United Nations Treaty Series, vol. 499, pp.311 et seq.

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10. The word "reciprocity" in the Soviet text (article II) does not seem to us to represent a reasonable basis for verification procedures. It suggests that only States which place objects on the sea-bed or ocean floor acquire the right to inspect submarine installations emplaced by another State. If that is the intended meaning, we expect we would not be alone in finding it unsatisfactory. In fact, I inferred from the remarks of the representative of the United Arab Republic at our meeting on 15 April (ENDC/PV.403, para. 35) that he also has reservations about this aspect of article II. Likewise, the views expressed by the representative of India at our meeting on 17 April (ENDC/PV.404, para. 70) suggested to my delegation that the reference to reciprocity had raised questions in his mind. At our meeting on 22 April the representatives of Sweden (ENDC/PV.405, paras. 92 and 93) and Brazil (ibid. para. 30) referred to difficulties which would possibly arise, at least under certain interpretations of reciprocity. The parallel with the outer space Treaty (General Assembly resolution 2222 (XXI), annex) seems to us to be overdrawn. The verification procedures will need to have other characteristics in order to accommodate States which may feel threatened and to allow them in some way to participate in the inspection procedures.

11. As I said in my opening statement on 20 March: "it has always been Canadian policy to press ahead with any subject which holds out the promise of progress". (ENDC/PV.396, para. 62) It is in that spirit that I have presented these general views of the problem of the reservation of the sea-bed and ocean floor exclusively for peaceful purposes. We regard this question as important since an agreement would prevent the extension of the nuclear arms race to a new environment. We must remember, however, that outside the scope of the current negotiations are two important questions: superjacent waters in which submarines are potentially among the most potent of mobile launching platforms for offensive nuclear weapons of mass destruction; and the exclusion pertaining to the proposed coastal band or zone.

12. It continues to be our position also that greater urgency should be attached to measures connected with ending the nuclear arms race and to nuclear disarmament arising out of the promises undertaken by the nuclear Powers under article VI of the non-proliferation Treaty (ENDC/226*). As I have said before, consideration of the problems of the sea-bed should not pre-empt the time of the Committee. In this context I rely on the assurances given by one of our co-Chairmen — the representative of the United States of America — at our meeting on 25 March, that the monopoly of time which the non-proliferation Treaty negotations produced will not be repeated now in connexion with some other arms control measures (ENDC/PV.397, para. 14).

13. Mr. CHRISTOV (Bulgaria) (translation from French): Before stating the views of my delegation on the item entitled "Prevention of an arms race on the sea-bed" which appears on the Committee's agenda (ENDC/236, p.3), I should like to recall that the Bulgarian Government has for a long time been particularly interested in the problems of the use of the sea-bed. Constantly guided by the idea that all activities in that sphere should be reserved exclusively for peaceful purposes, and in conformity with its peaceful policy, the Bulgarian Government was one of the first to endeavour to draw attention to the necessity of prohibiting the use of the sea-bed for military purposes.

14. With that aim in view, at the United Nations Conference on the Law of the Sea, held in Geneva in 1958, the Bulgarian delegation made a proposal in the Fourth Committee of that Conference to prohibit the use of the continental shelf for military purposes. The Bulgarian proposal, submitted in the form of a paragraph to be added to article 71 of the draft then under discussion, read as follows: "The coastal State shall not use the continental shelf for the purpose of building military bases or installations". (A/CONF.13/C.4/L.41/Rev.1)

15. That suffices, we believe, to explain the satisfaction of my delegation at the presentation by the Soviet Union on 18 March of the draft treaty on prohibition of the use for military purposes of the sea-bed and the ocean floor and the subsoil thereof (ENDC/240). I must also say that this satisfaction is accompanied by the hope that the problem - which is of such great importance - will find, thanks to the Soviet Government's initiative, an adequate solution. Meanwhile we have studied with the greatest care the draft treaty submitted by the Soviet delegation for the Committee's examination. At the same time we have followed with the closest attention the important statements made here on the subject.

16. The problems relating to the use of the sea-bed are of paramount concern to all countries; that has been made abundantly clear by the discussion of those problems in the United Nations, by the work carried out in the Ad Hoc Committee to Study the Peaceful Uses of the Sea-Bed, and by the discussion that is going on in our Committee. That is a many-faceted concern which relates simultaneously to the field of disarmament and to a field in which, according to the highly competent opinion of scientists and technicians, vast prospects have been opened up for the exploitation of this enormous reservoir of riches of every kind.

17. As a first step it is necessary to prohibit immediately the use of the sea-bed for military purposes, in order — of course — to prevent the arms race from spreading to these new areas which make up 70 per cent of the surface of the globe. But it is also a matter of demilitarizing that vast environment, as an absolutely indispensable pre-requisite for making it accessible for peaceful uses. It is the task of the Eighteen-

(Mr. Christov, Bulgaria)

Nation Committee on Disarmament to find the means of preventing an arms race on the sea-bed. The forty-two-nation Committee on the Peaceful Uses of the Sea-Bed has been entrusted by General Assembly resolution 2467 A (XXIII) with the task of "/ensuring/ the exploitation of /the/ resources /of the sea-bed/ for the benefit of mankind".

18. In the view of my delegation the fact that those two tasks have been entrusted — for very obvious reasons — to different bodies should not give the impression that it is possible to solve the problems of peaceful utilization without solving the basic problem, which is precisely demilitarization, that is, the problem which has been entrusted to the Eighteen-Nation Committee. We believe that the international community has set itself an objective which is of doubly exceptional importance and which consists in endeavouring simultaneously to prevent an arms race on the sea-bed and to ensure the peaceful use of that area in the interest of all countries.

19. A number of delegations have proved here, forcefully and convincingly, the urgent importance of preventing an arms race on the sea-bed because, owing to technical progress, the means are already available to transform what even yesterday appeared to be a remote threat into a well-defined danger. And in view of the scale that such a new arms race would assume, we know what the nature of this new danger, which would be added to so many others, would be. We have therefore been greatly encouraged to note that the principle of preventing such an arms race is meeting with such wide approval.

20. I should like in this connexion, and among other things, to draw the attention of the Committee to certain aspects of the deliberations in the forty-two-nation Committee which in our view have been given eloquent expression in its decisions. That Committee has already done very useful work. It does not have to deal with the problems which are our own, but it seems to us that it is not mere coincidence that the words which recur most often in its documents are precisely those which express a fundamental requirement, namely, to ensure the use of the sea-bed exclusively for peaceful purposes. Thus, for example, the Legal Working Group of the Ad Hoc Committee considered the question of preparing, for submission to the General Assembly, a draft declaration on the principles governing the peaceful uses of the sea-bed which would include the following basic principle: "... that the sea-bed, the ocean floor and the subsoil thereof be used exclusively for peaceful purposes and for the benefit of mankind;". (A/7230, annex II, para. 43)

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21. Several members of the Committee have taken initiatives leading in the same direction. In a working paper on a draft declaration of general principles on the use of the sea-bed, fifteen countries members of the Committee suggested that the General Assembly should declare in the first place that

> "The exploration, use and exploitation of the sea-bed and ocean floor, and the subsoil thereof ... shall be carried on exclusively for peaceful purposes". (ibid., p. 63)

22. Moreover, resolution 2467 A (XXIII) reaffirms those same principles with vigour and clarity and widens their scope and meaning with a well-defined aim, namely, to guarantee to all countries access to the resources of the sea-bed with full equality of rights, its use for exclusively peaceful purposes and the exploitation of its resources in the interests of humanity as a whole. I believe it would be useful to dwell on the meaning of the expressions "exclusively for peaceful purposes" and "in the interests of humanity as a whole". The conclusion to be drawn is in our opinion clear-cut and categoric.

23. So far as my delegation is concerned, we venture to think that those words and the context in which they are used express, besides the legitimate desire of all countries to share in the utilization of the resources of the sea-bed, a well-founded apprehension and a deep-rooted conviction: that the arms race and utilization for military purposes will make impossible any use of the sea-bed for peaceful purposes. In other words, the use of the resources of the sea-bed is possible only if conditions are created which guarantee its use exclusively for peaceful purposes. Consequently, the General Assembly resolutions, and more particularly those of the twenty-second and twenty-third sessions, which were adopted almost unanimously, as well as the work of the Committee specially entrusted with the study of the question, leave no ambiguity as to the will of the States Members of the United Nations to prevent an arms race on the sea-bed and to ensure the use of the sea-bed exclusively for peaceful purposes.

24. Therefore we are gratified that the Soviet delegation has presented a draft treaty which, as I have already stated, we have welcomed with the greatest satisfaction. In our view this draft treaty approaches the problem clearly, realistically and effectively, both as regards measures to prevent an arms race and as regards the aspects relating to the field of the peaceful use of the sea-bed and the ocean floor. The solution proposed in this draft treaty is calculated to meet the particular interests of various countries as well as the general interests of the international community. In that respect the Soviet draft treaty is in complete accord with the spirit and the letter of the General Assembly resolutions of which I have spoken and with the principles of the United Nations

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Charter. It is based on the same principles and the same ideas as the Antarctic Treaty[2/] and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space (General Assembly resolution 2222 (XXI) annex).

25. By the total prohibition, under article 1, of placing on the sea-bed objects with nuclear weapons or any other types of weapons of mass destruction, and of setting up military bases, structures, installations, fortifications and other objects of a military nature, the Soviet draft treaty attains the goal which all agreements of this nature should aim at — it will prevent an arms race on the sea-bed by establishing a regime of complete demilitarization of the sea-bed beyond the twelve-mile maritime zone of coastal States. That provision, essential in every respect, also solves the problem of verification which, under article 2 of the draft treaty, will cover all installations and structures on the sea-bed on the basis of free access and reciprocity by the States parties to the treaty.

26. We are convinced that the solution contained in the Soviet draft treaty, like the solutions contained in the Antarctic Treaty and in the outer space Treaty is the only one likely to prevent an arms race on the sea-bed. It is, moreover, the only one likely to ensure the rights of all countries, to guarantee the peaceful use of that area, to take into account the interest of humanity as a whole and to make fruitful international co-operation possible.

27. For those reasons my delegation supports the Soviet delegation's draft treaty without reservation and in the deepest conviction that an agreement on complete demilitarization of the sea-bed and the ocean floor will be a contribution of the greatest importance to the progress of negotiations on disarmament and to the lessening of international tension. We have been happy to note that the Soviet draft treaty and the principles on which it is based have met with the approval of the majority of delegations seated round this table. The representative of Ethiopia stated in his intervention on 10 April:

> "... we should like to give our agreement in principle to the general principle of the complete demilitarization of the sea-bed and the ocean floor as contained in the draft treaty submitted by the Soviet Union, a principle which corresponds to the spirit behind General Assembly resolution 2467 (XXIII)". (ENDC/PV.402, para. 98)

That opinion is shared by the delegations of the United Arab Republic, India, Brazil, Sweden, Mexico and the socialist countries.

2/ United Nations Treaty Series, vol. 402, pp. 71 et seq.

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28. We have carefully studied all the comments made on the subject and especially those concerning the three points which are the heart of the problem, that is, those relating to the geographic area to be covered by a future treaty, to the scope of the prohibition and to the system of verification. Of course, we have considered with attention and with an open mind all the objections and reservations put forward in regard to the Soviet draft treaty by certain delegations. Although no other draft or working paper has been submitted to the Committee, it seems that essentially these reservations and objections relate particularly to the very notion of demilitarization, as it should be achieved under the treaty, and to the control problems which derive from it.

29. Unlike the Soviet draft treaty, which advocates total demilitarization of the sea-bed and open and accessible verification on a basis of reciprocity, some delegations suggest that the problems of demilitarization of the sea-bed and the ocean floor should be reduced to a partial prohibition limited to weapons of mass destruction, nuclear and other, and consequently that verification should be limited to installations of that nature. In support of that thesis it has been said that total demilitarization of the sea-bed would not be possible, that it would probably be harmful, and that it would pose insurmountable verification problems.

30. With all the respect that my delegation has always shown for the opinions of other delegations, we venture to point out that it is rather the contrary that is true. In our view the arms race, despite its various aspects, must be considered as a whole which cannot be divided in two. And by the very nature of things it seems to us impossible to prohibit one part -- in the present case the race in weapons of mass destruction -- and to let the other part, the race in conventional weapons, take its course. An undertaking of that nature, in our opinion, would be unfeasible, even if one had only to take into account the difficulty of distinguishing between an installation that would be used to launch conventional weapons and an installation that could be used to launch weapons of mass destruction. That difficulty was referred to most relevantly by Ambassador Jaroszek of Poland in his statement on 24 April (ENDC/PV.406, paras.19 and 20). Even if it were possible to conclude such an agreement, can one be sure that it would not be interpreted as an instrument sanctioning and encouraging the race in existing conventional weapons and in those which certainly would be specially designed for that purpose, in an atmosphere of rivalry which it is easy to imagine?

31. Consequently, we believe that it is precisely partial demilitarization which will not be viable. Indeed it is difficult to see how an agreement on partial

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demilitarization -- which, properly speaking, would not be demilitarization at all -- could prevent a race in so-called conventional weapons, a race which such an agreement not only would authorize but, we believe, would in the end stimulate and encourage. Let me say in passing that we do not believe that the task entrusted to the Committee is to draft an agreement authorizing a race in conventional weapons on the sea-bed. It is precisely that consequence -- inevitable, in our opinion -- which would be harmful and dangerous for all the efforts aimed at preventing an arms race on the sea-bed.

32. Some fears have been expressed that total demilitarization would hamper means of communication, means indispensable to navigation, and so on. So far as we know, it has not been proved that conventional weapons are emplaced on the sea-bed in order to facilitate communications and navigation. On the contrary, the total demilitarization of the sea-bed will certainly contribute to improving the conditions for using all the means designed for peaceful purposes, and of course no one is thinking of placing obstacles in the way of that peaceful activity. The statements made by the representative of the Soviet Union, Mr. Roshchin, on 3 April (ENDC/PV.400) and on 8 May (ENDC/PV.409) are absolutely convincing in that respect.

33. Another argument -- concerning the participation of military personnel in exploration and scientific research activities -- does not seem to us to justify the opposition to the idea of total demilitarization. That same problem arose during the drafting of the Antarctic Treaty and the outer space Treaty and did not prevent the reaching of agreements which, in everyone's opinion, have proved their worth. Hence, we cannot believe that these are insurmountable difficulties.

34. Consistently with all that I have just said, we are of the opinion that partial measures such as those envisaged on the basis of such concepts are not of a nature to provide an adequate solution to the problem. For reasons which appear obvious to us they do not correspond to the aim we are seeking to achieve. We have already said that the partial limitation of an arms race on the sea-bed would be contrary to resolutions 2340 (XXII) and 2467 (XXIII) of the General Assembly, which in adopting them was guided by the unanimous desire to prevent an arms race on the sea-bed, and, in our opinion, the race as a whole, and to reserve the use of the sea-bed exclusively for peaceful purposes.

35. In this connexion we should focus our attention for a moment on an aspect of the problem which, in our view, is extremely serious. It seems to us that if we do not succeed in preventing the arms race or if the agreement limits the prohibition of the

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use of the sea-bed to weapons of mass destruction, letting conventional militarization take its course, a situation pregnant with consequences would inevitably be created for the simple reason that, in the present state of affairs, only some countries have the means necessary to use the sea-bed for military purposes and that where the large majority of countries are concerned, this is not so. Most countries therefore will rightly feel threatened by military activities which, although related to conventional weapons, would be none the less disquieting.

36. It is almost superfluous to add that utilization for military purposes, even if limited to conventional weapons, is therefore incompatible with peaceful exploration and exploitation. Any installation of a military nature will be an obstacle in that respect. The arms race, the emplacement of weapons of any kind whatsoever, are the very negation of the concepts of collaboration, of respect for the rights of others, and of the interests of humanity as a whole.

37. As for the problem of verification, I shall confine myself to saying that we share the opinion expressed by several other delegations that it is precisely partial demilitarization that will create insurmountable obstacles and difficulties with regard to control. Control will be infinitely easier to achieve in the case of prohibition of all military activities and on the basis of the conditions contained in the Soviet draft treaty. The example of the Antarctic Treaty and the outer space Treaty provides in this respect perfect proof in confirmation of this conviction of ours.

38. Mr. CARACCIOLO (Italy) (translation from French): In my statement today I should like to put forward the point of view of the Italian delegation on the question of the demilitarization of the sea-bed and the ocean floor.

39. The Italian delegation has listened attentively to the opinions expressed on this subject by various delegations. In particular, it has studied with interest the draft treaty submitted by the Soviet delegation (ENDC/240), as well as the criteria proposed by the United States delegation for consideration of this problem (ENDC/PV.397, paras.26 et seq). The Italian delegation shares the viewpoint expressed here by other governments members of the Eighteen-Nation Committee regarding the great importance of the problem of limiting the military use of the sea-bed and the ocean floor. It is convinced that an agreement on this subject would be extremely useful because it would constitute an effective limitation of the arms race by preventing it from spreading to the vast areas of the sea-bed and the ocean floor, which have up to now been spared. It is also convinced that such an agreement would have positive psychological and political effects on the international level.

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40. However, before dealing with the specific aspects of the problem, I should like briefly to set forth some considerations of a more general nature. On the Italian side, we start from the principle that the problem of the denuclearization of the sea-bed comes within the broader framework of a general policy of non-proliferation of nuclear weapons and of nuclear disarmament. Consequently, the accomplishment of any agreement in that field could not disregard the entry into force and the satisfactory and effective application of the non-proliferation Treaty (ENDC/226*). Similarly, it seems to us that the participation of all the nuclear countries in any agreement to limit nuclear weapons on the sea-bed and the ocean floor would be essential for an agreement to be fully effective. Lastly, if the agreement on limitation were also to cover certain types of conventional weapons, it would be important, for similar reasons, that all the main maritime Powers should be parties to it. To that end, the quorum for entry into force of the agreement should be as large as possible.

41. Coming now to the concrete problem, the Italian delegation agrees with the manner in which the problem has been posed by many delegations which have examined it from a triple aspect: that of the geographical scope of the prohibition -- that is to say, what areas of the sea-bed and the ocean floor should be subjected to the provisions of the agreement; that of the object of the prohibition -- what military activities will be prohibited; and that of the control of the prohibition itself.

42. The Italian delegation shares, moreover, the opinion expressed by the United Kingdom representative in his statement on 17 April (ENDC/PV.404, para.20) that the first two questions must be considered as interdependent. Indeed it seems to us that an agreement relating exclusively to denuclearization of the sea-bed could apply to a more extensive area than that to which an agreement comprising also the prohibition of other military uses would have to apply. Commenting on that triple aspect of the problem of the demilitarization of the sea-bed and the ocean floor, the representative of the Soviet Union in his latest statement, that of 8 May (ENDC/PV.409, paras. 14 et seq.) emphasized that on two of those aspects of a possible treaty -- geographical scope of the prohibition and methods of control -- a consensus of opinion had been noted, and that on the third -- the gamut of prohibited activities -- the point of view of the Soviet Union had been supported by the majority of the delegations which had spoken on that point.

43. I should like to say that if this support relates to the need to reserve the use of the sea-bed for peaceful purposes, the Italian delegation is happy to associate itself with this majority, and I even believe that this majority is in fact composed of all the

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delegations represented here. But this support given to the principle of the peaceful use of the sea-bed neither can nor should overlook the need to ensure the security of coastal States; that concept has, moreover, been raised in one form or another by several delegations. Thus, for instance, the representative of India, speaking on 17 April, stated the following:

> "... the question of sovereignty in respect of territorial waters and sovereign rights in regard to the continental shelf and their importance from the defence and economic points of view would need to be taken carefully into consideration" (ENDC/PV.404, para.68).

The representative of Burma also, in his statement on 6 May, pointed out that the provisions of the contemplated treaty should be such as would ensure: "the security of all coastal States equally, whether nuclear or non-nuclear, large or small" (ENDC/PV.408, para.25).

Lastly, I think I can detect a similar concern in the remarks made earlier today by the representative of Canada.

44. As I now wish to indicate more precisely the ideas of the Italian delegation on the general problem of the demilitarization of the sea-bed and the ocean floor, permit me to examine separately and briefly the three aspects of this problem.

45. As regards the area to be covered by the prohibition, the Soviet delegation, in article 1 of its draft treaty, has proposed the adoption of a criterion of distance from the coast, suggesting provisionally that this distance should be twelve miles. The Italian delegation, for its part, doubts whether such a criterion would be sufficient to guarantee the security of coastal States and, more particularly, that of countries whose geographical configuration is characterized by a very long maritime frontier and which are thus more exposed to attacks from the sea. In fact, we know that the ocean floor has different characteristics in the various parts of the globe. In particular, the existence of a continental shelf exerts a direct influence on the problem of national defence for numerous States. Thus, the excessive restriction of the use of the continental shelf for defensive purposes could, for instance, reduce the useful forewarning and effectiveness of the means for detecting a possible enemy offensive.

46. The Italian delegation would therefore advocate the adoption of an area of application of the prohibition delimited by a bathymetric curve corresponding to a depth of 200 metres, it being understood that the limit of the area could in no case be less than twelve miles from the coast. In our view, the depth of 200 metres neither

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prejudges or hinders in any way the delimitation of the continental shelf, just as the distance of twelve miles, in the view of the Soviet delegation, neither prejudges or hinders in any way the definition of territorial waters.

47. In reply to certain objections that have been raised to the adoption of that criterion, I wish to say that it is in no way intended to create a discrimination in favour of certain States but, on the contrary, is intended to reduce discrimination of a geographical nature which operates to the detriment of those very States. Moreover, this criterion would not mean that the general criterion of the continental shelf would be adopted, because that criterion might require various and complicated surveys; it merely advocates a curve corresponding to a depth fixed and equal for everyone. Finally, we do not see why the adoption of the criterion that we are proposing should set off, as some fear, an arms race on the continental shelf, nor why this criterion would extend national sovereignty beyond its present limits. The criterion that we are proposing meets solely the need to ensure the security of coastal States.

48. Let us now pass to the second problem, that of defining the military activities to be prohibited. Italy, for its part, considers that complete demilitarization consisting of prohibiting all military activities of any kind whatsoever on the whole of the sea-bed and the ocean floor to which the agreement would apply, is not a realistic or acceptable basis for an agreement. There are in fact certain uses of a typically defensive nature — for example, the emplacement of means of communication or the installation of acoustic systems for detecting and facilitating underwater navigation — which, in our opinion, should continue to be authorized in any case.

49. The suggestion made by the United States (ENDC/PV.397, paras. 37 and 41) for an agreement prohibiting solely weapons of mass destruction appears to us to grasp the most significant and urgent aspect of the problem and this suggestion would therefore be easier to carry out. This does not exclude the possibility of envisaging an extension of the prohibition to other military offensive uses which it would be necessary to specify. In any case, an agreement to demilitarize the sea-bed and the ocean floor should identify with precision all the activities and installations which would be prohibited. Thus, for example, it should be specified that the prohibition of weapons of mass destruction extends to the construction of launching platforms and to the emplacement of delivery vehicles.

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50. The objection that identification of the activities and installations to be prohibited would uselessly complicate the problem, and that it would therefore be preferable to adopt the over-simple solution of a total prohibition of all military activities, does not seem to us to be convincing. We consider, in fact, that it is preferable to face up to the difficulties of a selective choice -- a choice which could facilitate the adoption of an appropriate methodology -- rather than commit a much more serious error, that of endangering the security of the contracting States.

51. In any case, if we wish to reach an agreement in this field, we must seek to fill the gap between the two contradictory theses before us, which were expounded to us initially by the Soviet delegation (ENDC/PV.400, paras. 2 et seq.) and by the delegation of the United States (ENDC/PV.397, paras. 30-43). For this purpose, we should like to take up a suggestion made by the delegation of the United Kingdom in the statement by Minister of State Mulley on 17 April. He said:

> "... the right approach is to consider what specific military activities might be banned in the arms control area, however that may be defined" (ENDC/PV.404, para.21).

52. The Italian delegation wishes to ask the delegations of the nuclear Powers which have supported the thesis of a partial and limited prohibition whether, even without a text, they could at least draw up, for the enlightenment of the Committee, a list of the weapons and military installations which should, in their opinion, be prohibited in any case. I note with interest that the Canadian representative has made similar suggestions this morning. It might also be useful for our Committee to have before it a list showing, conversely, which military activities would be authorized or, at least, tolerated. Only an examination of precise data in the fullest possible detail will enable our Committee to come to a decision in a competent and objective manner on the problem of the object of the prohibition applicable to the sea-bed and the ocean floor.

53. I should now like to dwell upon the third panel of our triptych, the problem of control. Italy considers that any agreement establishing a limitation of the military uses of the sea-bed and the ocean floor should be controlled in an effective manner, and that only an international system can ensure the credibility and effectiveness of the control. I confess, for my part, that I do not understand why the need for an international control body has been so strongly felt in the case of the Treaty on the Non-Proliferation of Nuclear Weapons, why it is so laboriously sought with a view to the

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conclusion of an agreement on underground nuclear explosions or an agreement on the limitation of the production of fissionable materials, while it is rejected in the case of the demilitarization of the sea-bed and the ocean floor.

54. The comparison with the Antarctic Treaty of 1959 and the outer space Treaty of 1967 with a view to establishing national controls based on the principle of reciprocity does not appear to us to be really relevant. Unlike the environments to which the aforesaid two treaties relate, the sea-bed is more easily accessible to man, and its utilization, even if to different degrees, is within the reach of a larger number of States. The need for an adequate control system, free of any discrimination, therefore remains in any case, whatever may be the extent or the nature of the prohibition. To that end, it is not enough to adopt the criterion of reciprocity between States possessing installations on the sea-bed. If we wish to do without a system of international control, we shall have to find another solution -- which is very problematical -- that would make it possible to subject existing installations to a control exercised even by States parties to the treaty which do not possess such installations. On the other hand it has not been proved that international control machinery would necessarily have to be more complex and more burdensome than the many national systems as a whole or than reciprocity.

55. I should also like to recall that various delegations have expressed doubts in this connexion, wondering whether a system of national controls would really be sufficient. The representative of Brazil in his statement on 22 April recalled in this regard that:

> "It might be that a purely reciprocal system of verification would create practical difficulties, for not all States would be in a position to exercise a thorough inspection of underwater installations" (ENDC/PV.405, para.30).

At the same meeting the representative of Sweden made similar reservations and said:

> "As States have different capacities for participating in this form of control, some sort of international co-operation may be necessary" (ibid., para.93).

The representative of India was even more explicit when he said on 17 April:

> "The issue of verification for a sea-bed treaty would have to be dealt with in the light of the principle of international means of verification so that all parties could feel assured that the prohibitions of the treaty were being complied with" (ENDC/PV.404, para.70).

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I therefore conclude that it is possible and necessary to study this problem in greater detail and to study the system of international control that would be the least burdensome.

56. In concluding these few comments, I should like to express the hope that they will, like the comments made by other delegations, be studied attentively in order that the final text of a possible treaty may be the result of work done collectively by the Eighteen-Nation Committee and that that text may take into account, as far as possible, the largest number of opinions which have been expressed here.

The Conference decided to issue the following communiqué:

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 410th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador Sergio Armando Frazão, representative of Brazil.

"Statements were made by the representatives of Canada, Bulgaria and Italy.

"The next meeting of the Conference will be held on Thursday, 15 May 1969, at 10.30 a.m."

The meeting rose at 12.50 p.m.

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

ENDC/PV.411
15 May 1969
ENGLISH

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND ELEVENTH MEETING

held at the Palais des Nations, Geneva,
on Thursday, 15 May 1969, at 10.30 a.m.

Chairman: Mr. K. CHRISTOV (Bulgaria)

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PRESENT AT THE TABLE

Brazil:	Mr. S.A. FRAZAO
	Mr. C.A. de SOUZA e SILVA
	Mr. L.F. PALMEIRA LAMPREIA
Bulgaria:	Mr. K. CHRISTOV
	Mr. M. KARASSIMEONOV
	Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. J.R. MORDEN
Czechoslovakia:	Mr. T. LAHODA
	Mr. V. SAFAR
	Mr. J. STRUCKA
Ethiopia:	Mr. A. ZELLEKE
India:	Mr. M.A. HUSAIN
	Mr. N. KRISHNAN
	Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO
	Mr. F. LUCIOLI OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA
Mexico:	Miss E. AGUIRRE
	Mr. H. CARDENAS RODRIGUEZ
Nigeria:	Alhaji SULE KOLO
	Mr. L.A. MALIKI

DEPOSITORY

Poland:	Mr. H. JAROSZEK
	Mr. K. ZYBYLSKI
	Mr. H. STEPOSZ
	Mr. S. DABROWA
Romania:	Mr. N. ECOBESCO
	Mr. V. CONSTANTINESCO
	Mr. V. TARZIORU
	Mr. C. MITRAN
Sweden:	Mr. A. EDELSTAM
	Mr. S. ERICSON
	Mr. R. BOMAN
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. I.I. TCHEPROV
	Mr. N.S. KISHILOV
	Mr. Y.C. NAZARKIN
United Arab Republic:	Mr. H. KHALLAF
	Mr. O. SIRRY
	Mr. E.S. El REEDY
	Mr. Y. RIZK
United Kingdom:	Mr. I.F. PORTER
	Mr. W.N. HILLIER-FRY
United States of America:	Mr. A.S. FISHER
	Mr. C GLEYSTEEN
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Special Representative of the Secretary-General:	Mr. D. PROTITCH
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Bulgaria) (translation from French): I declare open the 411th plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.

2. Alhaji SULE KOLO (Nigeria): In my intervention on 20 March, not only did I stress the importance which my delegation attaches to a comprehensive test ban but I also promised to put forward certain proposals concerning the intractable question of verification (ENDC/PV.396, paras. 13 et seq.), which has so far defied our efforts to find a solution and which in the opinion of my delegation constitutes one of the main obstacles to reaching an agreement, assuming that there is the political will to conclude a treaty. Since my intervention our colleague from Sweden, Mrs. Myrdal, has put forward, as part of the Swedish working paper on a comprehensive test ban (ENDC/242), compromise proposals on a system of verification which has not, regrettably, been accepted by the main parties that would be affected by the treaty.

3. In my present intervention I shall try, as much as possible by reference to statements made by my colleagues, to indicate our agreement with, or our suggested amendments to, views already put forward, as that is in our opinion the best way of reaching a concensus if our negotiations here are to prove fruitful.

4. It is unnecessary for me to reiterate the urgency of a comprehensive test ban. I need only mention that the United Nations General Assembly itself recognized that in its resolution 2455 (XXIII) (ENDC/237) which requests this Committee to elaborate a treaty as a matter of urgency. That is why we welcome the initiative of the Swedish delegation in submitting a draft treaty, which it has modestly called a working paper. This is also in accord with the suggestion contained in my statement of 20 March, when I said:

> "I would suggest that in order to lend our discussions a definite sense of direction and purpose we introduce, as in the case of our negotiations on the Treaty on the Non-Proliferation of Nuclear Weapons, a draft treaty to form the basis of our discussion". (ENDC/PV.396, para. 18)

I further suggested that:

> "A sub-committee, to include those countries which, like Sweden and the United Kingdom, have shown considerable interest in and made a very valuable contribution to this subject, could be charged with the responsibility for producing the first draft". (ibid.)

5. Indeed, my delegation congratulates the Swedish delegation on the considerable effort and study that have obviously gone into the preparation of the draft. The Nigerian Government is giving the draft the close attention it deserves and I hope that at an early date I shall be in a position to state the authoritative Nigerian position. In the meantime I wish, as some of my colleagues have done, to take this opportunity to express some of our preliminary thoughts on the draft.

(Alhaji Sule Kolo, Nigeria)

6. I share the view expressed by the United Kingdom representative in his statement on 17 April 1969 (ENDC/PV.404, para.10) that the relationship between the international agreement regarding explosions for peaceful purposes envisaged in the preamble and article I, para. 2 of the Swedish working paper on the one hand, and the international agreement referred to in article V of the non-proliferation Treaty (ENDC/226*) on the other, requires further clarification. I would even go further and suggest that, in essence, the non-proliferation Treaty bans all non-nuclear-weapon States, as defined by that Treaty, which are signatories to it, from directly undertaking any nuclear explosions, peaceful or otherwise. Article I of the Swedish draft, on the other hand, seems to make peaceful explosions permissible for all States, and here I would wish to underline the words "all States". Will the adoption of the draft not, therefore, put the non-nuclear signatories of the non-proliferation Treaty at a disadvantage vis-à-vis those which have not signed that Treaty ? Here I believe some information about the progress made in the bilateral talks held in Vienna to try to define "explosions for peaceful purposes" might be useful. I hope that before we adjourn this session of our Committee our co-Chairmen will find it possible to provide this information.

7. I also share the apprehension of my colleague of the United Arab Republic, Ambassador Khallaf, (ENDC/PV.403, para.25), regarding the adequacy or acceptability of article II of the Swedish working paper, which deals with the difficult problem of verification. The Nigerian position on the question of verification is a flexible one; but we also believe that progress cannot be made unless this Committee takes realistic cognizance of the interplay of politics and suspicion on the one hand and the needs of humanity on the other. with which we live in our present world. In his admirable speech on 25 March (ENDC/PV.397, paras. 46 et seq.) the representative of Italy rightly pointed out the urgent need for us to work for the creation of an atmosphere of political confidence as one of the prerequisites of disarmament. I could not agree more with the representative of Italy. Indeed, if I were asked to pinpoint the greatest single obstacle to disarmament I would humbly point at the lack of trust or political confidence in general.

8. Now, the provisions for verification in the Swedish working paper revolve, as the representative of the United Arab Republic said:

> "... around two main and combined elements: the use of national means of detection and identification and the co-operation in good faith of the States parties to the treaty and especially of those which are directly involved in a given event requiring verification" (ENDC/PV.403, para.25).

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But "co-operation in good faith" presupposes mutual trust and confidence, which, as I have said, are desirable ingredients in the existing relations between some of the Powers which are more likely to be "directly involved in a given event requiring verification". The question, therefore, is whether we can rely on a system of verification that is dependent to a large extent on trust and confidence.

9. In his message to this session of our Committee, the Secretary-General of the United Nations sagely stated:

> "Disarmament is a most complex, as well as vital, problem for which there is no single solution. Progress can be achieved only by the converging and continuing efforts of all concerned. The essential task is to persevere ...". (ENDC/PV.395, para. 4)

Indeed, our experience in this Committee not only confirms the need for perseverance but proves that in tackling the complex question of disarmament we cannot speak of a plethora of ideas or proposals: every proposal enlarges our field of choice and the scope for working out an agreement.

10. In the face of the atmosphere of suspicion which appears to engulf us these days, I cannot see any hope of our concluding a draft comprehensive test ban treaty unless we can establish a fool-proof system of verification. In other words, transposing the well-known legal maxim about justice, nuclear explosions for non-peaceful purposes not only must be banned but must also be seen to have been banned.

11. My delegation is all for limiting verification to long-range seismic identification if it is fool-proof and acceptable to all. But in spite of the tremendous progress that has been made in this field and the bright prospects of further progress, our impression is that the experts themselves are all agreed that there is still a gap to be bridged. That gap, if it exists, albeit small, cannot in the prevailing atmosphere be ignored. However, if such a gap does not indeed exist, and if a fool-proof seismological verification system can be proven to exist, then the importance given to these on-site inspections will no longer be valid.

12. In view of the alleged gap I have referred to in the effectiveness of long-range seismic detection, that system must, at best, be augmented by another form of verification to allay fears of possible violations of a test-ban treaty. I know that there are reservations about on-site inspections, but such reservations stem, I believe, mainly from an uneasiness about the fact that on-site inspections might be exploited for purposes of espionage and also from the difference of opinion about the effectiveness of seismological verification systems. In the absence of general

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acceptance of the effectiveness of the seismic detection system, it would appear necessary, in order to eliminate the problems to which I referred earlier, to consider limited on-site inspections. In this connexion I would refer the Committee to the working paper (ENDC/232) presented by the United Kingdom on 20 August 1968 which, among other things, proposed the establishment of a committee that would undertake on-site inspection if strong evidence of an infringement of the test-ban treaty were produced. To my mind, the inclusion of the super-Powers in such a committee would not help to remove the basis of the reservations about on-site inspections. I would therefore propose that inspections, when necessary, should in principle be conducted by a group of non-aligned countries that have signed the non-proliferation Treaty and possess the necessary technological know-how to cope with the implications of such inspections.

13. In that connexion I would venture to suggest the following countries as examples — assuming of course that each has signed and ratified the non-proliferation Treaty: Mexico, Finland, Sweden, Austria, Yugoslavia, Brazil, India and Switzerland. That arrangement should, I think, allay the main apprehensions about on-site inspections. In the first place, since as a pre-condition those countries would have signed the non-proliferation Treaty, they should not be interested in atomic weapon espionage, because by virtue of their accession to the non-proliferation Treaty they would be unable to put to practical use any unlawfully acquired knowledge whilst having the right to benefit, by virtue of the provisions of that Treaty, from the advantages of peaceful nuclear research. Furthermore, being non-aligned countries, they are unlikely to act as agents of any of the super-Powers. A working paper (ENDC/246) along my delegation's line of thinking is now being submitted for the consideration of the Committee.

14. The group we have in mind should have the right to carry out on-site inspections only if there is strong evidence of violation of the test ban treaty which cannot be proved conclusively by the long-range seismic detection system. I should like again to stress here, as I did in my previous speech, that these proposals are not in conflict with but rather augment the proposals made by particularly the United Kingdom in its working paper. Of particular relevance here will be the question concerning a system of phasing out explosions, should it be found impracticable for technical, economic or other reasons to stop underground tests on a given date.

15. In making my proposal I am fully conscious of the difficulties involved. I think, however, that we have perhaps now reached a crucial point on this most important question of a comprehensive test ban and we need a new initiative to break it. May I add that

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my proposal, if acceptable, is not intended to subsist for all time. It is an interim measure which could be replaced once a fool-proof teleseismic system had been developed. I do not profess that my proposal has any magic about it. It calls for the political will on the part of all concerned to make compromises. Every speaker in this Committee has stressed the danger of continued test explosions for the development of more sophisticated nuclear weapons. My delegation would therefore highly appreciate the careful examination of this proposal.

16. Before I end my statement, may I take this opportunity to express a few thoughts on the Soviet draft treaty on prohibition of the use of the sea-bed for military purposes (ENDC/240). As I stated in my first intervention, we are grateful to the Soviet Union for the initiative it has taken in this matter (ENDC/PV.396, para. 7).

17. It appears to me that the greatest obstacle to the early conclusion of an agreement on the sea-bed is perhaps the question of the extent to which the sea-bed should be demilitarized. Should demilitarization encompass all military installations or should it be limited to weapons of mass destruction ? Our own assessment of the general feeling expressed during the discussion of the sea-bed question in the General Assembly and of the spirit of the resolutions adopted is that the sea-bed should be reserved exclusively for peaceful purposes. Be that as it may, my delegation is of the view that the prohibition which any treaty may provide should encompass all military installations. Apart from other considerations, we believe that complete demilitarization will simplify control rather than make it unworkable. We do not wish, however, to be dogmatic in this matter. If it is generally agreed that prohibition should not encompass all military installations, then we must work out a clear definition of the exceptions. In particular, we would see no harm in exempting from such a prohibition defensive detection installations which are not in themselves weapons capable of mass destruction but which could provide the proof essential to the verification clause in the agreement.

18. My delegation is in full agreement — subject to the exemption we have mentioned earlier — with the method used in the Soviet draft treaty to delimit the boundaries beyond which prohibition would apply. In the first place, we believe that a twelve-mile maritime zone of coastal States, beyond which the prohibition should be applied, appears reasonable. To tie up the boundary beyond which the prohibition will apply with the continental shelf not only will result in different sizes of undemilitarized geographical areas for different countries but may, as pointed out by the representative of Sweden, result in a situation where certain areas of the sea

> "... would [not be covered by the agreement but would be open to military installations, possibly directly confronting each other". (ENDC/PV.405, para.78)

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The Soviet formula whereby a fixed distance will be agreed for all countries obviates these difficulties. I should point out, however, that although the Soviet formula is acceptable in principle to us, its application to groups of islands like Indonesia and to straits may raise some difficulties. My delegation would wish to suggest that in such areas -- straits, for example -- the twelve-mile prohibition limit should not apply to countries adjacent to or opposite each other, provided that this does not affect their existing rights to the use of their continental shelves. In any case, we assume that the treaty would not affect the rights of States under the 1958 United Nations Convention on the Continental Shelf[1/]. We have therefore submitted a draft working paper (ENDC/247) embodying this suggestion as an extension to article 1 of the Soviet draft treaty.

19. While we agree in principle with verification by inspection, my delegation believes that the language of article 2 of the Soviet draft should be a little more precise. In the first place, the question of inspection in the more difficult regions of the sea-bed is academic for most countries, including mine, which have neither the material resources nor the technical know-how to undertake such an expedition. In the circumstances the right of inspection becomes specious for those countries if the word "reciprocity" in the Soviet draft is construed to imply an exchange of inspections by those who have installations on the sea-bed. Each party to the treaty, whether or not it has the capability for verification through national means, should have the right of verification. In fact, in view of the obvious disability of the majority of countries to conduct such inspections, we would suggest that provision be made for inspections to be carried out by third parties which are signatories to the treaty, on behalf of a complaining State or through an international organization, if and when that could be established. I think that this suggestion deserves our close study and possible approval.

20. So far in this session, the sea-bed question seems to offer the best prospect of an agreement. It behoves us all to ensure that the opportunity we now have to conclude an agreement does not slip through our fingers. We have learned from experience that in any field of disarmament, agreement becomes more tedious and difficult once the arms race in that field leaves the realm of possibility and becomes a reality. In spite of the apparent prospects for reaching an agreement on the use of the sea-bed, much negotiation still has to be undertaken. The successful outcome of that negotiation not only will tax our ingenuity but will depend largely on the good will and co-operation of the super-Powers. I sincerely hope that we shall reach an agreement in due course.

1/ United Nations Treaty Series, vol. 499, pp. 311 et seq.

21. Mr. FISHER (United States of America): I have listened with interest to the thoughtful remarks which have been made by our colleague, the Nigerian representative, and the United States delegation will give to his statement and to the working papers which he has submitted the careful consideration they so obviously deserve. Today I should like to deal primarily with the problem of the sea-bed and ocean floor.

22. President Nixon, in his letter to Ambassador Smith of 15 March, indicated that:

> "the United States is interested in working out an international agreement that would prohibit the emplacement or fixing of nuclear weapons or other weapons of mass destruction on the sea-bed" (ENDC/239*, p.1).

The United States delegation is here to try to work out such an agreement.

23. Today I intend to confine my remarks primarily to the question of the scope of the prohibition since this appears to be the major area of difference of views. The United States, and we believe many other major naval Powers which either are entirely insular or which have long coast lines, would be unprepared to accept a total ban on all military activities on the sea-bed. However, we believe that the main -- indeed the only -- worrisome threat to the peaceful future of the sea-bed is the possibility of the fixing or emplacement on the sea-bed of nuclear weapons and other weapons of mass destruction. The United States is convinced, moreover, that we have a good chance of successfully negotiating an agreement which will prevent an arms race on the sea-bed if we focus our attention on nuclear weapons and other weapons of mass destruction. In particular, the United States is convinced that by concentrating on these weapons we can reduce the problem of verification to manageable proportions. But the United States is also convinced that if we permitted ourselves to be diverted to attempts to work out a sweeping prohibition on the "use for military purposes of the sea-bed and ocean floor" or to try to prohibit the placing in the sea-bed and ocean floor of all "objects of a military nature", we would raise problems of verification which would be insuperable and make it impossible for us to reach an agreement.

24. In considering the question now under consideration -- the prevention of an arms race on the sea-bed -- we must bear in mind the nature of this environment. The territory of the sea-bed is vast; it amounts to 135 million square miles, or nearly 70 per cent of the earth's surface. The water which covers the sea-bed is, for all practical purposes, opaque. Visibility is limited to ten yards or so. The physical environment of the sea-bed is hostile to man. In many parts of the ocean the sea-bed is many miles in depth. Moreover, most of the sea-bed is under pressures which are

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from tens to many hundreds of times the pressure under which we live in the atmosphere. These are pressures in which man, unless enclosed in a pressure-resistant device, cannot function or in most instances even survive.

25. We must consider the problem which the environment of the sea-bed presents to the emplacement or fixing of nuclear weapons or other weapons of mass destruction as part of an effective weapons system. Nuclear weapons and other weapons of mass destruction are complex devices. To be effectively utilized, they require sophisticated delivery systems and extensive command and control systems. They also require periodic maintenance. Moreover, countries which control nuclear weapons can be expected, for their own protection, to enforce a high degree of security in exercising control over them. They are not likely to let them "lie around loose", so to speak, in an international régime like the sea-bed, but will require a protective system to prevent other countries from rendering them ineffective or even capturing them.

26. Now in some circumstances certain countries might think that the military benefits to be gained from emplacing or fixing nuclear weapons on the ocean floor would be so great as to warrant the effort to devise a system which would meet these requirements in the environment of the sea-bed. That is the reason why we are here discussing this item as a realistic item of preventive disarmament. But it is almost inconceivable that a country would emplace or fix nuclear weapons on the sea-bed or ocean floor unless these weapons were housed in quite a substantial installation, capable of meeting the requirements I have just outlined. The emplacing or fixing of an installation on the ocean floor which would meet these requirements would be quite a difficult operation, involving extensive engineering activity. It would be unlikely to escape the attention of other maritime Powers. Under the United States proposal, the only question that would have to be resolved would be whether this installation contained a nuclear weapon or other weapons of mass destruction.

27. In this connexion I should like to note the thoughtful observations made by our colleague the representative of Poland when on 24 April he pointed out that there may be modern sophisticated weapon systems that might be installed on the sea-bed which could be used for both conventional and nuclear means of warfare although it might be uneconomical to emplace the necessary installations solely for con entional weapons (ENDC/PV.406, para. 20). This is an interesting point, but I would respectfully submit that it does not lead to the acceptance of a treaty involving the complete demilitarization of the sea-bed. It does, however, raise the question of whether the

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prohibition should be extended to the emplacing or fixing on the sea-bed of launching platforms capable of handling nuclear weapons or other weapons of mass destruction, whether or not a warhead containing such weapons were actually attached. Indeed, Ambassador Smith, in his intervention on 25 March suggested this possibility as a possible measure to prevent a State from preparing for a sudden abrogation of the treaty (ENDC/PV.397, para. 37).

28. Our colleague the Soviet representative has maintained that if we limit the prohibition to weapons of mass destruction the verification problem will be more complicated. We have heard a similar argument today from another respected representative in this Committee. With the greatest personal respect I should like to express a contrary view. Ambassador Roshchin stated in his remarks at our meeting on 3 April:

> "Indeed, if the ban covered only certain types of activity, the controlling party would be faced in each specific case with the question of whether the object concerned had to do with prohibited or permitted activities."
> (ENDC/PV.400, para. 23)

The United States maintains, however, that the parties to the treaty would be faced with that question much more frequently under a total ban such as that suggested by the Soviet Union. Indeed they would be faced with the impossible task of having to decide whether each and every object or installation emplaced on the sea-bed was of a "direct military nature". How would the parties verify and control all these particular activities? They would be dealing with a vast number of objects, many of which are inconspicuous in themselves and do not require installations. How would the parties be aware of even a small proportion of these activities that might be carried on in a clandestine manner over the vast and murky area of the ocean floor? For those reasons, I respectfully submit, the Soviet proposal for complete demilitarization would pose insuperable verification problems, well beyond the present or projected capability of any State.

29. The very possibility of peaceful installations on the sea-bed and the ocean floor means that any agreement we work out will have to concern itself with the nature of particular installations. Moreover, we must evaluate this problem not merely against the background of the peaceful activity which is taking place on the sea-bed now but against the background of the extension of commercial, scientific and other research activities that will doubtless be taking place on the sea-bed in the coming years.

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30. Against that background of increasing peaceful activity on the sea-bed, if the prohibition is limited to banning nuclear weapons and other weapons of mass destruction, the parties will be faced with a far more manageable problem of verification -- and they will be faced with that problem much less frequently -- than they would be under a proposal for complete demilitarization. Indeed, they need only be concerned with whether a given installation contains nuclear or other weapons of mass destruction, which, as I indicated before, are the main -- indeed the only -- realistic threat to peaceful uses of the sea-bed. Such complex installations would be much less difficult to detect, for the reasons I have already mentioned.

31. In his intervention on this subject at our meeting on 25 March Ambassador Smith stated that in the United States view "complete demilitarization of the sea-bed would ... be simply unworkable and probably harmful" (ENDC/PV.397, para. 34). In his intervention at our meeting on 5 April our Soviet colleague, Ambassador Roshchin, took issue with that point of view (ENDC/PV.400, para. 16) and, again with the greatest personal respect, I should like to place before this Committee an illustration of why an unverifiable ban on the placing of any objects of a military nature on the sea-bed could be a threat to the security of States.

32. I think we would all agree that a system placed on the sea-bed which is designed to provide information on the presence of submarine traffic is an object of a military nature, and that emplacing such a system on the sea-bed would thus involve using the sea-bed for a military purpose. As such it would be prohibited according to the provisions of the Soviet draft treaty if it were placed more than twelve miles off the coast -- as indeed it might well have to be in order to be effective. And yet I think we would all also agree that it would be virtually impossible to verify whether or not other countries had emplaced such devices on the sea bottom. So we are faced with this question: In these circumstances is it realistic, is it consistent with the concept of balance contained in the fifth point of the Joint Statement of Agreed Principles for Disarmament Negotiations (ENDC/5), is it in the interests of peace, to suggest that the country should agree not to emplace such a device itself? I would submit that it is not. As Ambassador Smith pointed out at our meeting on 25 March, the existence of submarine forces requires States to take action in self-defence, such as establishing warning systems that use the sea-bed (ENDC/PV.397, para. 34). The United States is not prepared to enter into a treaty which would throw the propriety of these systems in doubt.

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33. Before concluding I should like to deal with two arguments which have been used against prevention of an arms race on the sea-bed by a prohibition of a type that the United States believes to be realistic.

34. The first is an argument based on an analogy to the language of the Antarctic and outer space Treaties[2/]. In particular it has been based on a quotation of a portion of article IV of the outer space Treaty. Several delegations have referred to the fact that the second paragraph of article IV provides that the moon and other celestial bodies "shall be used ... exclusively for peaceful purposes", and that "the establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres ... shall be forbidden" on those celestial bodies (General Assembly resolution 2222 (XXI), annex).

35. Those relying on that paragraph of article IV as a basis for support of an argument for complete demilitarization of the sea-bed fail to take into account the fact that the first paragraph of article IV, dealing with outer space generally, as distinguished from the moon and other celestial bodies, limits its undertaking to a commitment "not to place in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction". Here we have two types of prohibition, one dealing with outer space generally which is limited to nuclear weapons or other weapons of mass destruction and one dealing with the moon and other celestial bodies. If we are looking for analogies, we submit that we would have to recognise that the sea-bed, which is within the area that man is at present exploring, is more closely comparable to outer space, where man has been travelling for almost a decade, than to the moon and other celestial bodies, where man has not yet been present.

36. The second argument for considering only a complete demilitarization of the sea-bed has been based on the text of General Assembly resolution 2467 A (XXIII). Paragraph 3 of that resolution calls upon the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor to "study" -- and I should like to emphasize the word "study" -- "the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor" and to do so "taking into account the studies and international negotiations being undertaken in the field of disarmament".

2/ United Nations Treaty Series, vol. 402, pp. 71 et seq.

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37. It is apparently argued that because the General Assembly, by a vote of 112 to none, with 7 abstentions, called for such a study by another committee -- the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor -- the General Assembly has decided that this Committee, the Eighteen-Nation Committee on Disarmament, must negotiate an agreement which provides that no military activities may be carried out on the ocean floor. That argument appears to involve a prejudgment of the results of the study contemplated in General Assembly resolution 2467 A (XXIII) as well as a prejudgment of the negotiations which we are now conducting in the Eighteen-Nation Committee on Disarmament.

38. Moreover, that argument is not consistent with the legislative history of the resolution as it was developed at the twenty-third session of the General Assembly. The United States is one of the countries that voted for this resolution. Before it did so, it made it quite clear that in its view the reference to "peaceful purposes" in the resolution did not involve an obligation to negotiate an arms control agreement which precluded all military activities. It also made it clear that military activities not specifically precluded by the arms control agreement which might be negotiated would continue to be conducted, but would be conducted, of course, in accordance with the principle of freedom of the seas and for purposes consistent with the United Nations Charter and other obligations of international law.

39. To sum up, the United States is of the firm belief that we should work towards an international agreement whose provisions would be realistic enough to curb the major threat of an extension of the arms race to the sea-bed and at the same time would assure Parties that they might have confidence that the agreement is being observed. We believe that an agreement banning the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed would accomplish that goal, and we also believe that such a measure is obtainable before this Committee submits its report to the General Assembly.

40. Mr. FRAZÃO (Brazil) With regard to the working paper (ENDC/246) submitted by the representative of Nigeria, I wish to put on record at this stage the strong reservation of my delegation about the proposal contained in that document. In due course I shall deal with the proposal less briefly in order to point out what appears to my delegation to be the juridical inconsistency and the unacceptable political discrimination inherent in the Nigerian working paper.

The Conference decided to issue the following communiqué:

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 411th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador Kroum Christov, representative of Bulgaria.

"Statements were made by the representatives of Nigeria, the United States and Brazil.

"The Nigerian delegation submitted a Working Paper on the Comprehensive Test Ban Treaty (ENDC/246) and a Working Paper on a Proposed Amendment to Article 1 of the USSR Draft Treaty on Prohibition of the Use for Military Purposes of the Sea-Bed and the Ocean Floor and the Subsoil Thereof (ENDC/247).

"The next meeting of the Conference will be held on Tuesday, 20 May 1969, at 10.30 a.m."

The meeting rose at 11.25 a.m.

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

ENDC/PV.412
20 May 1969
ENGLISH

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND TWELFTH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 20 May 1969, at 10.30 a.m.

Chairman: U KYAW MIN (Burma)

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69-35398

PRESENT AT THE TABLE

Brazil:	Mr. S.A. FRAZAO
	Mr. C.A. de SOUZA e SILVA
	Mr. L.F. PALMEIRA LAMPREIA
Bulgaria:	Mr. K. CHRISTOV
	Mr. M. KARASSIMEONOV
	Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. J.R. MORDEN
Czechoslovakia:	Mr. T. LAHODA
	Mr. V. SAFAR
	Mr. J. STRUCKA
Ethiopia:	Mr. A. ZELLEKE
India:	Mr. M.A. HUSAIN
	Mr. N. KRISHNAN
	Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO
	Mr. F. LUCIOLI OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA
Mexico:	Miss E. AGUIRRE
	Mr. H. CARDENAS RODRIGUEZ
Nigeria:	Mr. C.O. HOLLIST
	Mr. L.A. MALIKI

DEPOSITORY

Poland:	Mr. H. JAROSZEK
	Mr. K. ZYBYLSKI
	Mr. H. STEPOSZ
	Mr. R. WLAZLO
Romania:	Mr. N. ECOBESCO
	Mr. V. CONSTANTINESCO
	Mr. V. TARZIORU
	Mr. C. MITRAN
Sweden:	Mrs. A. MYRDAL
	Mr. A. EDELSTAM
	Mr. S. ERICSON
	Mr. U. ERICSSON
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. O.A. GRINEVSKY
	Mr. N.S. KISHILOV
	Mr. V.A. DEMENTIEV
United Arab Republic:	Mr. H. KHALLAF
	Mr. O. SIRRY
	Mr. E.S. El REEDY
	Mr. Y. RIZK
United Kingdom:	Mr. I.F. PORTER
	Mr. W.N. HILLIER-FRY
United States of America:	Mr. A.S. FISHER
	Mr. C. GLEYSTEEN
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Special Representative of the Secretary-General:	Mr. D. PROTITCH
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Burma): I declare open the 412th plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.

2. Mr. LAHODA (Czechoslovakia): The rather lively and factual exchanges of view which have taken place so far at our formal and informal meetings have again stressed that general and complete disarmament under strict international control continues to be the task to which all our other activities should be subordinated. That is the ultimate goal and all the steps we intend to take should be oriented towards it. The United Nations General Assembly has given us a binding directive which must be fulfilled with all its consequences. It is on that basis that individual questions included in our agenda were formulated and weighed. We must not fail in our duty to press for such partial measures as would, thanks to their content or scope, or both, bring us as close as possible to that objective.

3. From that point of view, questions relating to nuclear disarmament undoubtedly enjoy priority because they constitute the very essence of the disarmament process. In their entirety they represent the key to the gate which leads to general and complete disarmament.

4. The proposals relating to regional disarmament represent another group of measures whose achievement would, in view of their scope, make it possible for us to pass through that gate as soon as possible. Moreover, some of them -- for instance, the proposals relating to nuclear-free zones in various parts of the world -- by their very character belong to the high-priority sphere of nuclear disarmament, while others actually meet the need for total demilitarization. That is the case of the Soviet draft treaty on prohibition of the use for military purposes of the sea-bed and the ocean floor and the subsoil thereof (ENDC/240).

5. The circumstances I have just mentioned need to be constantly kept in view if we wish our efforts aimed at the creation of sound preconditions for general and complete disarmament to be ultimately successful. We believe it is precisely for those reasons that the call for a comprehensive ban of all nuclear weapon tests has met with such wide support in our Committee. That is why we so often hear about the ban on the use of nuclear weapons and their production and the ultimate liquidation of all the stockpiles of such weapons and why it is important for the non-proliferation Treaty (ENDC/226*) to enter into force as soon as possible. That is why other regions, especially in Europe, should follow the splendid example set by the establishment of the nuclear-free zone in Latin America. For the same reasons it is necessary that

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total demilitarization of the sea-bed and ocean floor be applied to the largest possible area. The same line of reasoning also makes it imperative to approach the problems relating to chemical and bacteriological weapons in their entirety and to exclude those deadly means of mass infection and death once and for all from the arsenals of all States.

6. Referring to what I said at the beginning of my brief intervention, I should like to express the conviction of the Czechoslovak delegation that we have not yet exhausted all possibilities as regards, for instance, reaching an agreement on banning the use of nuclear weapons. That is an issue which has become, in a way, a household term in the world of disarmament negotiations and whose importance has been so often convincingly emphasized by various governments as well as in numerous documents emanating from international conferences. We need only remember the well-known resolution adopted at the sixteenth session of the United Nations General Assembly (resolution 1653 (XVI)).

7. We feel it is high time for us to respond in an appropriate manner to the urgent pleas, urgings and exhortations contained in those documents. That is why we regard the suggestion made by the representative of the Soviet Union, Ambassador Roshchin, at our meeting on 10 April (ENDC/PV.402, paras. 44 - 68) as a way to break the deadlock. The Soviet delegation broached the possibility of a solution based on unilateral declarations by the respective governments expressing their willingness to assume the obligation not to use nuclear weapons as a means of aggression.

8. The Czechoslovak delegation does not regard a partial ban on the use of nuclear weapons as an optimum solution, nor as a definitive settlement of the issue. We continue to give preference to a full and unconditional prohibition. However, we should like to see progress made wherever possible and we believe that even the above-mentioned commitment would represent a contribution to our efforts aimed at increasing the feeling of security of all States, especially the non-nuclear ones. Even a partial solution of that kind would provide them with another guarantee that they would not fall prey to nuclear blackmail by nuclear Powers.

9. An important point favouring serious consideration of that modification of the ban on the use of nuclear weapons is to be found in the fact that -- as was recalled by the Soviet representative (ibid., para. 62) -- a few years ago the United States and three other Western Powers expressed themselves as being in favour of a similar concept of prohibition. We have no doubt that a positive response by the United States

(Mr. Lahoda, Czechoslovakia)

delegation to the question put by Ambassador Roshchin on 10 April (ibid., para. 65) would go a long way towards helping us to take another step in the right direction, albeit a partial one.

10. It would perhaps be appropriate to add that the grounds on which the proposal to ban the use of nuclear weapons was made in the past are well known and that so far nothing has altered their permanent validity. On the contrary, with the passage of time they are becoming ever more evident. Should it be argued that the ban on the use of nuclear weapons would merely be a formal matter and would in no way diminish the threat of nuclear war, we would need only to point to the experience gained by a similar ban on the use of weapons of mass destruction of a different kind. I have, of course, in mind chemical and bacteriological weapons and the ban on their use contained in the Geneva Protocol of 1925. The Protocol has no provisions relating to control; it does not deal with the production of weapons, nor does it consider the liquidation of the existing stockpiles of those means of warfare. That is sometimes regarded as its shortcoming. Nevertheless, not a single delegation, in the course of our discussions devoted to these problems, expressed any doubts as to the ability of that document -- which is over forty years old and perhaps imperfect in some ways -- to function in the manner intended. No one has denied that it functions as a preventive in a sphere where there are available plentiful supplies of gases and biological agents, whose employment would produce results as horrible as, if not more horrible than, those which would be visited upon mankind as a result of the use of nuclear weapons.

11. Since the ban on the use of chemical and bacteriological weapons, as it exists, is rightly regarded as being useful and effective, we see no reason why the proposed ban on the use of nuclear weapons should not be judged in the same light. Moreover, note should be taken of the fact that the suggested modification of the ban would in no way affect the so-called deterrent role of nuclear weapons, to which Western Powers attach great importance.

12. We believe that mankind would be well served by an early adoption of a ban on the use of nuclear weapons not burdened by any sophisticated technical or control measures and dependent exclusively upon the goodwill and political decision of the parties concerned. It would exercise a favourable influence on a number of problems, including the concrete suggestions relating to the final solution of the problem of nuclear weapons and true nuclear disarmament. It would offer further binding guarantees against nuclear attacks and enhance the chances of building relations among States which would be based on trust. It would increase the interest in and lead to the intensification of efforts aimed at denuclearization in various parts of the world. It could not fail to be an

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encouragement to all those striving to eliminate the threat of a nuclear conflict for ever. A decision of that kind would further strengthen the trend towards settling matters under dispute by peaceful means, by way of negotiations and mutual understanding. In the opinion of my delegation, it would also be bound to have a favourable effect on the preparation and holding at an early date of the proposed conference on European security in which the largest possible number of interested States should take part. As is known, the Government of Finland has expressed its willingness to undertake the organization of such a conference.

13. My country is one of the co-authors of the appeal calling for the convocation of the conference (ENDC/243). It attaches great importance to the creation without delay of the best and most suitable conditions for the flexible preparation and the successful proceedings of, and the achievement of much-needed results from, such all-European talks, which would take place in this scope and with this composition for the first time since the end of the war. We need not go into details concerning the importance and possible consequences of an event of that kind. There is no doubt that it would offer Europe an opportunity to move from general statements concerning peace to concrete acts strengthening the security of all European countries and stimulating their all-round co-operation. In that way Europe might become a stabilizing factor for peace in the whole world. If we reach that desirable stage, we should find it easier to make progress and to act with a greater degree of determination also in discharging our own task here, thus narrowing the gap which separates us from general and complete disarmament.

14. Mr. ECOBESCO (Romania)(translation from French): The achievement of disarmament has always been and remains closely linked with the aspirations of the peoples for peace, security and progress. The recognition by humanity of the losses and sufferings inflicted by devastating conflicts and wars, and particularly the great tragedies caused by the two world conflagrations which shook the first half of our century — all that brought about a decisive change on the plane of law. It is that change which, while banning war as a legal institution, has established the primacy of the principles and rules of law as the foundation of world peace.

15. The synthesis of a long process of historical development, condemnation of war and force as a means of solving differences between States is one of the pillars of the edifice of international legality. It is that imperative that is enshrined by the United Nations Charter, which proclaims the determination of the peoples to:

(Mr. Ecobesco, Romania)

"save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind", and for that end to: "ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used".

16. The natural corollary of that state of law must be the accomplishment of another change, the destruction of the very means of warfare. And this change should be made by means of extensive measures of disarmament. Disarmament -- demanded by the stringent realities of life and stemming from the fundamental standards of the Charter - is a primary objective of the international community. The General Assembly a decade ago declared the question of disarmament to be "the most important one facing the world today", and expressed the hope that:

> "measures leading towards the goal of general and complete disarmament under effective international control will be worked out in detail and agreed upon in the shortest possible time" (resolution 1378 (XIV)).

17. Disarmament is at the same time the essential task which has been assigned to our Committee. As we have already had the opportunity of stating, it seems to us quite natural, ten years after the adoption of that important decision of the United Nations, to examine the ground covered, to see what has been done and more particularly what remains to be done in order to accomplish the task entrusted to us. If we cast a glance at the post-war period, in the light of the activities peculiar to this Committee, we observe that spanning this period in a striking way have been two parallel but incompatible processes: on the one hand, the constant concern and the firm demands of the peoples to see specific measures of disarmament carried out -- which spring from the serious threat represented by the increase in stocks of the means of destruction; on the other hand, the frightening arms race, and first of all in the nuclear field. A simple comparison of those two processes highlights a paradoxical situation. While the armaments spiral soars at a vertiginous rate, the disarmament negotiations have yielded only modest results.

18. A permanent cause of frustration and anxiety, the arms race devours a considerable part of the wealth of humanity without increasing its security in the slightest. According to estimates, from 1900 to the present time -- that is, in almost seventy years -- humanity has wasted on military purposes more than $4 million million. These funds, had they been used for peaceful purposes, would have sufficed during the same period to feed the entire population of the globe and to solve the housing problem everywhere in the world. If the level of the expenditure reached so far -- which

(Mr. Ecobesco, Romania)

considerably exceeds the figure of $180,000 million every year -- is maintained, the arms race will cost the peoples of the world during the next twenty years another $4 million million. And if the rate of increase which has occurred in this field during recent years continues, this amount will be spent in only ten years.

19. To the gigantic material sacrifices must be added an immense human potential which is withdrawn from the sphere of constructive activities. Today -- and, consequently, in conditions of peace -- 50 million men are in the armed forces or are involved in the machinery of military preparations. One out of twenty-five inhabitants of the earth able to work, that is to say, 4 per cent of the active world population, devotes his energy and talents to non-productive ends.

20. The modern arms race is qualitative par excellence. It is based essentially on research and on advanced techniques. It is notorious that armament activities and preparations for war involve tens of thousands of scientists and specialists in the endeavour to create and to perfect the means of destruction, which prevents them from placing their intelligence and knowledge at the service of the material and spiritual well-being of society. Philip Noel-Baker very aptly wrote:

> "Military research has helped to bring the arms race to the point of frenzy; indeed, it is the arms race in its most dangerous form" (The Arms Race, A Programme for World Disarmament, Stevens, London, 1958, p.496).

That is a factor which, in our view, has not been properly reflected in disarmament negotiations.

21. The scientific and technical explosion of today strikingly reveals its dual nature: on the one hand it is a practically inexhaustible source of the accelerated progress of nations and of their multilateral development; on the other hand, it is the mainspring of innovations and improvements which are constantly increasing the power of weapons of mass destruction.

22. Thanks to the truly revolutionary conquests of science and technology and their application to the production of weapons, the arms race has attained fantastic proportions. Stocks of nuclear weapons long ago reached more than a million megatons. At the same time, and at the same rate, the delivery vehicles of weapons of mass destruction -- various kinds of rockets, nuclear submarines, supersonic aircraft, and so on -- have been developed.

(Mr. Ecobesco, Romania)

23. What are the prospects for the development of armaments in future decades? That is a question which is undoubtedly relevant to our negotiations. The impressive rate of scientific and technological development provides enlightening replies.

24. Ninety per cent of all the scientists and inventors who have belonged to mankind throughout its history are alive today. The use of ultra-modern installations, gigantic laboratories, complex technical instruments, computers and computing techniques has resulted in the fact that the material production of humanity, including the production of armaments, is at present being moved forward by the most effective stimulants which give it in an extremely accelerated pace.

25. The reduction of the time between the inventive thought and its industrial application -- in other words, the shortening of the distance between the idea and its implementation -- is one of the most striking aspects of the dynamism of technological progress. The rate of realization of scientific and technical thought is constantly fed by what has been called "the explosion of knowledge" which has happened in our era.

26. The "tide" of knowledge and of discoveries of contemporary man has led in the post-war period to enormous qualitative changes, so frequent and important in the field of armaments that it has been noted that every five years there has been a real revolution in military technique. If that continues we shall probably live through six or more similar revolutions in the technology of armaments between now and the end of the century.

27. At the same time the arms race is powerfully supported by the revolution in materials, a revolution which, in its turn, is in direct relation to the needs of the development of modern production. Two evaluations made by specialists particularly merit attention. The first is that in about fifteen years the material needs of humanity could become equal to the entire quantity of materials ever used. The second concerns the prospect of discovering and manufacturing on an industrial scale a wide range of materials with high qualitative properties and with a resistance that will probably be a hundred times greater than that of materials produced today. All of that will have notable effects on armaments as well.

28. The experts on the subject forwarn us that nuclear weapons will continue to be perfected, which will lead to a considerable increase in their destructive capacity -- which will increase a thousandfold -- and that that capacity will be

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condensed in ever smaller weapons. The production of chemical and bacteriological weapons will make a leap forward from the point of view of both quality and quantity. Nuclear-weapon delivery vehicles will become increasingly efficient through the increase in their range of action, their speed and their precision. Lasers, electronic equipment and other ultra-modern techniques will be used on an ever-increasing scale for military purposes, and so on. Will those be possibilities or realities of tomorrow? Whatever the answer, it must be of concern to us -- the more so because the extraordinary mobility and speed with which the newest conquests of science and technology are being achieved is greatly reducing the distance between the forecast and its practical realization.

29. From that point of view the following example seems to us relevant. In 1931 an interesting work was published in London under the title Scientific Disarmament. The author admitted the possibility of using "sub-atomic energy" -- that is what he called it -- with a view to producing new weapons, but he arrived at a most reassuring conclusion, which is the following:

> "Of course, this is the vaguest form of speculation, and we do not rely on it in any way whatsoever to support the importance of the simpler new agencies of war. On the other hand, it should be pointed out that the relationship and the time interval between modern physics and the realization of these possibilities may be no more than those which we have seen between the primitive beginnings of chemistry in the Middle Ages and the use of complex organic chemicals in the Great War.
>
> "In any case, it seems that new physical agencies for the production of casualties are likely to be related to such new phenomena, and are therefore possibilities of a very distant future. It is unlikely that time will prove us wrong if we ignore these matters in our practical consideration of disarmament". (Victor Lefebure, Scientific Disarmament, Mundanus Ltd., London, 1931, p.204).

In August 1945, that is, only fourteen years after publication of that book, the first atomic bomb revealed to mankind the appearance of the nuclear scourge.

30. When we tackle the problems raised by the arms race not only at the present time but also in the foreseeable future, such errors of evaluation as those I have just mentioned must be avoided. That was all we wished to say about the first process, that of armaments.

(Mr. Ecobesco, Romania)

31. I shall now turn to the second process, that of disarmament. The first observation that must be made is that our negotiations have not led to the adoption of effective disarmament measures. Thanks to the negotiations that have taken place in recent years it has proved possible to achieve some agreements bearing on certain collateral measures. Those agreements are without doubt significant. However, there is one essential factor which should not be overlooked: those agreements do not affect in the slightest the arms race nor the ever-increasing accumulation of weapons in military arsenals, nor the danger they represent for the peace of the world.

32. Whatever the divergence of views on certain aspects, it seems to me that there cannot exist -- at any rate, there should not exist -- contradictory views on the urgency of the disarmament problem and its central position in the framework of efforts to preserve international peace and security. That being so, it seems to us completely abnormal that for four or five years we have dealt almost exclusively with certain partial or preventive measures, as they have often been called here. We do not minimize the usefulness and importance of such measures, nor do we want them to be ignored in the future; but they should not be substituted for our primary task, which is general disarmament. For the prophylactic actions to which we have referred, by leaving existing stocks intact -- and particularly those of nuclear weapons -- do not strike at the root of the evil and consequently do not produce the results expected from our negotiations. Those are the reasons on which we base our conviction that it is necessary to concentrate our efforts on general disarmament while giving absolute priority, of course, to measures in the nuclear field. Concurrently with that, we would naturally pursue consideration of the collateral measures already before our Committee.

33. As we all know, at the first session of the Eighteen-Nation Committee in 1962, two drafts concerning general disarmament were submitted, one by the Soviet Union (ENDC/2/Rev.1 and Corr.1) and the other by the United States (ENDC/30 and Corr.1 and Add.1 and 2). Those proposals served as a basis for the negotiations held between 1962 and 1964 and led to the preliminary outline of the preamble (ENDC/L.11/Rev.1) and the first four articles (ENDC/40/Rev.1 and ENDC/55) of a draft treaty on general and complete disarmament. But since 1965 that question has hardly been considered. As the Under-Secretary of State for Foreign Affairs of Italy, Mr. Mario Zagari, said:

(Mr. Ecobesco, Romania)

"In our opinion, the central problem of the negotiations entrusted to our Conference, namely general and complete disarmament, has remained for too long in the background." (ENDC/PV.397, para. 62)

34. Such a state of affairs does not correspond, in our view, either to the urgency of achieving disarmament or to our terms of reference. This should be remedied as quickly as possible, all the more because, now that the Treaty on the Non-Proliferation of Nuclear Weapons (ENDC/226*) has been concluded, the imperative requirement of general disarmament is enshrined in provisions under which the parties are committed to taking specific actions. We should also like to recall that in its resolution 2454B (XXIII) the United Nations General Assembly expressly requested our Conference:

"... to make renewed efforts towards achieving substantial progress in reaching agreement on the question of general and complete disarmament under effective international control, and urgently to analyse the plans already under consideration and others that might be put forward to see how in particular rapid progress could be made in the field of nuclear disarmament" (ENDC/237).

In order to implement the provisions of that resolution it is necessary to know, first of all, the attitude of the nuclear Powers towards the plans submitted by them in 1962.

35. As regards the Soviet Union, we were gratified to note the precise statement made on 22 April last by the leader of the Soviet delegation, Ambassador Roshchin, who said:

"In proposing that a new impetus be given to the negotiations on general and complete disarmament we are not faced with the need to start all over again, metaphorically speaking, from zero. We have a point of departure for such negotiations -- the aforementioned Soviet draft treaty on general and complete disarmament under strict international control. This draft treaty, worked out in full detail, is a good basis for fruitful discussions." (ENDC/PV.405, para. 49)

36. In order that the Committee may be informed of the specific situation existing today it would be useful to know the views of the authors of the second draft treaty on general and complete disarmament. To begin full and constructive discussions, motivated by the desire and political will to achieve effective agreements, is an imperative requirement at the present stage of our work.

(Mr. Ecobesco, Romania)

37. The Socialist Republic of Romania has declared itself and still declares itself firmly in favour of general disarmament as a sure means of eliminating the threat of war and of ensuring lasting peace in the world. In the view of the Romanian delegation efforts aimed at achieving disarmament should be pursued with conviction and tenacity because only disarmament can provide the most adequate answer to the danger represented by the armaments race, and to the problem raised by the existence of nuclear weapons and the modern technology of armaments. General disarmament, and especially its main component, nuclear disarmament, best meets the need to ensure equal conditions of peace and security for all countries. It can be asserted that it is precisely through the achievement of general disarmament that the conditions will be created for the complete elimination of force from the sphere of international relations and for the complete victory of the rules of law, justice and equity.

38. A gradual advance towards the realization of humanity's aspirations for general disarmament would result in the freeing of huge material resources so necessary for speeding up the development process in which so many countries and nations are today engaged. Through a decrease in military expenditure the possibility would be created to allocate some of the funds thus freed to supporting the less developed countries in their efforts to achieve economic and social progress. Moreover, the accomplishment of disarmament would enable thousands and thousands of scientists, research workers and experts, whose activities are now dedicated to the creation of destructive means, to devote their forces to peaceful and constructive activities.

39. It is undeniably important for the success of our negotiations to recognize the essential fact that an atmosphere of mutual confidence must be created. That presupposes the permanent contribution of all countries through actions calculated to promote a constant lessening of tension, as well as understanding and co-operation among nations. With a view to creating an atmosphere free from concern and suspicion, the international behaviour of States must be improved and perfected and the principles and fundamental norms of the United Nations Charter must be strictly respected. Because,

> "Within an international environment in which the law habit has come to prevail it is much easier to envisage a commitment by States to comprehensive disarmament" (Security in Disarmament, edited by Richard J. Barnet and Richard A. Falk, Princeton University Press, Princeton, 1965 p.204).

(Mr. Ecobesco, Romania)

40. Disarmament must be integrated into a global strategy for peace which, while designed to tackle the most acute problems of universal scope, would be the basis for immediate and long-term energetic actions by the whole of the international community. Now, on the eve of a new decade, we should -- on the basis of a clear view of the realities -- devise a coherent programme of work capable of giving perspective, continuity and consistency to the efforts of all devoted to the strengthening of peace and the multilateral development of all nations. May I recall in this context the perspicacious words of the Secretary-General, U Thant, who stated on 9 May:

> "I do not wish to seem overdramatic, but I can only conclude from the information that is available to me as Secretary-General that the Members of the United Nations have perhaps ten years left in which to subordinate their ancient quarrels and launch a global partnership to curb the arms race, to improve the human environment, to defuse the population explosion, and to supply the required momentum to world development efforts.
>
> "If such a global partnership is not forged within the next decade, then I very much fear that the problems I have mentioned will have reached such staggering proportions that they will be beyond our capacity to control".

41. Thanks to his genius and to his efforts over thousands of years, man has succeeding in building the present high civilization, which offers him unlimited possibilities for progress. At the same time, he has created such means of destruction that his very existence is threatened. The highest duty and the most important task which man must set himself at this stage of history consist in being the guarantor of his own destiny and of his mighty achievements. The best way to attain that noble aim is to achieve general disarmament.

42. In spite of the difficulties inherent in such a vast enterprise and the disappointments which we have experienced so far, our efforts in the field of disarmament negotiations should be exerted with ever-increasing enthusiasm and energy, with conviction, with continuity and resolution. We must be guided by the hope that all States, and more particularly those which have a gigantic military potential, will finally understand that their own interests, as well as the future

(Mr. Ecobesco, Romania)

of humanity, will be best served in a world which, once freed of the heavy burden of armaments, will be able to devote itself exclusively to peaceful activities. The accomplishment of that great task will be of benefit to every people, large or small, and to the whole of humanity.

43. Mr. FISHER (United States of America): At our meeting on 15 May the representative of Nigeria, Ambassador Sule Kolo, raised a question (ENDC/PV.411, para.6) about information on the Soviet-United States technical discussions on the peaceful uses of nuclear explosions — discussions which took place in Vienna in the middle of last month. I think that the best way of answering that question will be to read, on my behalf and on behalf also of my co-Chairman, Ambassador Roshchin, the joint United States-USSR communiqué which was issued to the Press in Vienna upon the conclusion of the talks:

"The Soviet-United States technical discussions on peaceful uses of nuclear explosions took place in Vienna from 14 to 16 April 1969.

"Soviet participants included Academician Fedorov, First Deputy Chairman of the State Committee on Atomic Energy Morokhov, and Messrs. Kedrovsky, Israel, Rodionov, Grinevsky, and Gudkov.

"United States participants included United States Atomic Energy Commissioner G.F. Tape and Messrs. R.E. Batzel, A. Holzer, J.S. Kelly, J. Rosen, H. Scoville, N. Sievering and G.C. Worth.

"The parties were of the view that underground nuclear explosions may be successfully used in the not so far off future to stimulate oil and gas production and to create underground cavities. It may also be technically feasible to use them in earth-moving work for the construction of water reservoirs in arid areas, to dig canals and in removing the upper earth layer in surface mining, etc.

"Although the economics will vary from project to project the use of nuclear explosions for these purposes is promising and would permit operations under conditions where conventional methods are either impossible or impracticable. Provided that certain requirements are met, the present state of technology will make it possible to carry out underground explosions fully meeting national or generally

(Mr. Fisher, United States of America)

"Both delegations concluded that the exchange of views on the status of this technology was very useful and the experts deem it desirable to have additional technical exchanges. Although these talks were not concerned with how peaceful nuclear explosion benefits are to be provided pursuant to article V of the non-proliferation Treaty, the parties considered these talks very timely in light of this provision of the non-proliferation Treaty, which ensures that potential benefits from any peaceful applications of nuclear explosions will be made available to the non-nuclear-weapon States adhering to the Treaty."

44. Mr. KHALLAF (United Arab Republic): We are indebted to our co-Chairman for the statement which has just been read, and shall be very grateful if they will in due time explain to us what would be the most appropriate steps to be taken in order to implement article V of the non-proliferation Treaty (ENDC/226*).

The Conference decided to issue the following communiqué

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 412th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of U Kyaw Min, representative of Burma.

"Statements were made by the representatives of Czechoslovakia, Romania, the United States and the United Arab Republic.

"The next meeting of the Conference will be held on Thursday, 22 May 1969, at 10.30 a.m."

The meeting rose at 11.35 a.m.

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

ENDC/PV.413
21 May 1969
ENGLISH

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND THIRTEENTH MEETING

held at the Palais des Nations, Geneva,
on Wednesday, 21 May 1969, at 10.30 a.m.

Chairman: Mr. G. IGNATIEFF (Canada)

PRESENT AT THE TABLE

Brazil:	Mr. S.A. FRAZAO
	Mr. C.A. de SOUZA e SILVA
	Mr. P. CABRAL de MELLO
	Mr. L.F. PALMEIRA LAMPREIA
Bulgaria:	Mr. K. CHRISTOV
	Mr. M. KARASSIMEONOV
	Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. J.R. MORDEN
Czechoslovakia:	Mr. T. LAHODA
	Mr. V. SAFAR
	Mr. J. STRUCKA
Ethiopia:	Mr. A. ZELLEKE
India:	Mr. M.A. HUSAIN
	Mr. N. KRISHNAN
	Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA
Mexico:	Miss E. AGUIRRE
	Mr. H. CARDENAS RODRIGUEZ
Nigeria:	Alhaji SULE KOLO
	Mr. C.O. HOLLIST
	Mr. L.A. MALIKI

Poland:	Mr. K. ZYBYLSKI
	Mr. H. STEPOSZ
	Mr. R. WLAZLO
	Mr. S. DABROWA
Romania:	Mr. N. ECOBESCO
	Mr. V. CONSTANTINESCO
	Mr. V. TARZIORU
Sweden:	Mrs. A. MYRDAL
	Mr. A. EDELSTAM
	Mr. U. ERICSSON
	Mr. R. BOMAN
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. O.A. GRINEVSKY
	Mr. I.I. TCHEPROV
	Mr. N.S. KISHILOV
United Arab Republic:	Mr. H. KHALLAF
	Mr. O. SIRRY
	Mr. E.S. El REEDY
	Mr. Y. RIZK
United Kingdom:	Mr. I.F. PORTER
	Mr. W.N. HILLIER-FRY
United States of America:	Mr. A.S. FISHER
	Mr. C. GLEYSTEEN
	Mr. W. HECKROTTE
	Mr. J. McNALLY
Special Representative of the Secretary-General:	Mr. D. PROTITCH
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Canada): I declare open the 413th plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.

2. Mr. FRAZAO (Brazil): In my intervention on 22 April I stated very briefly the preliminary views of my Government on the demilitarization of the sea-bed, the ocean floor and the subsoil thereof (ENDC/PV.405, paras. 27-31). I shall speak today in somewhat more detail on that subject and on the proposal put forward by the Soviet delegation (ENDC/240).

3. First of all, I want to restate the position of my Government concerning the general approach to the question of the exploration and the exploitation of the sea-bed, the ocean floor and the subsoil thereof, having in mind the pertinent resolutions of the General Assembly of the United Nations and the work still being carried out by the Committee on the Peaceful Uses of the Sea-Bed and the Ocean-Floor beyond the Limits of National Jurisdiction.

4. I think that the governments represented in this Conference, as well as in other bodies of the United Nations, have already expressed a wide margin of agreement on the approach embodied in General Assembly resolution 2467 (XXIII). We all agree that the exploitation and use of this geographical area should be carried out exclusively for peaceful purposes. Furthermore, we agree that the bottom of the oceans and seas is not subject to national appropriation. Accordingly, I understand that we all hold that its

> "... exploitation should be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States,". (General Assembly resolution 2467 A (XXIII))

Resolution 2467 (XXIII) goes further: qualifying this benefit, it stresses that this exploitation should take "into account the special interests and needs of the developing countries".

5. In my opinion all deliberations and negotiations on a treaty on the demilitarization of the sea-bed should always be linked to and stem from that basic approach, which should inspire the main guide-lines for any further elaboration on this subject-matter. Therefore, we could proceed to visualize the path ahead of us relating to the military aspects of the sea-bed without risking discrepancies on some basic points of common agreement.

(Mr. Frazão, Brazil)

6. I think one might also maintain that a degree of consensus emerged among the members of the Eighteen-Nation Committee on Disarmament; this consensus is being evolved and developed in the course of our deliberations, in respect to some fundamental normative principles to be applied to the questions of the demilitarization of the sea-bed, the ocean floor and the subsoil thereof.

7. That consensus covers three main points: first, the scope of the demilitarization should be as broad as possible to preserve the sea-bed exclusively for peaceful purposes, and to prevent a start and further development of the arms race in this environment which equals two-thirds of the surface of the earth; second, the area to be covered by the ban on the military uses of the sea-bed should be as large as possible, so that this common heritage of mankind may be effectively used for the benefit of all nations; and third, the limits to be established on a treaty on demilitarization should be considered solely in relation to the specific purposes of that treaty, so that no precedent and no involvement might be argued concerning the more complex questions of national jurisdiction or sovereignty.

8. It is with a feeling of both encouragement and optimism that my delegation tackles this problem, because an agreement seems to be viable around these three basic points which, furthermore, do stem from and are in accordance with the guide-lines adopted by the United Nations.

9. We have before us a draft treaty on prohibition of the use for military purposes of the sea-bed, the ocean floor and the subsoil thereof, submitted by the Soviet delegation on 18 March last. In my first intervention I referred to that document as "an important and timely contribution to our deliberations" (ENDC/PV.405, para. 31). After further examination of its contents, my delegation holds the same opinion although we share, to a considerable extent, the views expressed by other delegations as to the need to clarify and improve some fundamental points. Since we are dealing with a draft in the early stages of its negotiation, I should like to offer, by way of comments on the Soviet proposal, some contributions to our debate on this item.

10. In the preambular paragraphs there is only a reference to the "purposes and principles of the United Nations", which I dealt with at some length at the beginning of my intervention. It is the view of my delegation that some more detailed considerations should be added to this reference so that from the mere enunciation of such lofty principles we may proceed, within a more precise framework, to the spelling out of positive commitments in a formal and solemn treaty. We would welcome a provision under which the objective of the demilitarization without any hindrance to

(Mr. Frazão, Brazil)

11. Article 1 contains the core of the obligations and definitions of the Soviet draft; it touches the three basic points I have already referred to, namely, the scope of the treaty, the area to be covered by the treaty, and the delimitation of the zone set exclusively for the purposes of the treaty.

12. We understand that some divergences still remain in so far as the scope of the treaty is concerned. We favour the view that if in the prevailing international situation the ideal ban on all military activities proves to be still beyond our reach, this should not prevent an agreement on the prohibition of all weapons of mass destruction, as a first step to be adopted before the total ban on all military uses of the sea-bed is generally accepted.

13. At the same time, the Soviet approach has undoubtedly met the two other points of principle, concerning the largest possible zone to be demilitarized and the non-involvement with the question of national jurisdiction.

14. The system of verification and control proposed by the Soviet Union does not in our view reflect a clear-cut provision on this essential element of the treaty. As previous speakers have stated, the concept of reciprocity adopted by the Soviet draft has some ambiguous connotations and could be replaced by the more straightforward principle of verficiation by all States parties to the treaty, without qualification or discrimination.

15. The representatives of the United Arab Republic at our meeting on 15 April (ENDC/PV.403, para. 35), and of India at our meeting on 17 April (ENDC/PV.404, para.70) have already expressed their reservations about reciprocity as mentioned in the Soviet proposal. More recently, at our meeting on 13 May, the representative of Canada stated that: "The word 'reciprocity' ... does not seem to us to represent a reasonable basis for verification procedures". (ENDC/PV.410, para.10). And at the same meeting the representative of Italy said that "it is not enough to adopt the criterion of reciprocity between States possessing installations on the sea-bed." (ibid., para.54)

16. Certainly, in this same system, and deriving from the same principle of freedom of access, I think that it should be clearly stated that every State party could carry out the verification through its own means or, upon request, with the assistance of any other State party to the treaty. And eventually, when an international agency becomes feasible, the States parties to the treaty can also apply to its services for the purposes of verification and control.

(Mr. Frazão, Brazil)

17. On the procedural clauses, the Soviet draft requires, in article 4, paragraph 3, the small number of five ratifications for the treaty to come into force. We consider that an instrument of such wide and universal scope would require, before it came into force, the initial acceptance of many more countries, including some of those with special maritime qualifications. The representative of Italy mentioned this idea (ibid., para. 40), which I think the Committee should retain.

18. Those comments do not exhaust the range of observations of my delegation on the Soviet draft, but they raise some concrete questions related to that proposal.

19. Even in this specific intervention I should like to go back to the first part of my speech, in which I referred to the concept of demilitarization and the prevention of any hindrance to the peaceful and economic uses of the sea-bed. I have in mind the question of verification of installations exclusively for peaceful and scientific purposes placed beyond the twelve-mile limit already suggested, but within the limits of the jurisdiction of a certain State. From a juridical and even from a political point of view, a system of verification and control could not apply on the same basis to the zone beyond national jurisdiction and to a zone included within the limits of national jurisdiction. This distinction seems to be obvious for the mere reason that all States have special sovereign rights and obligations on the continental shelf under their respective jurisdictions. Thus a system of verification in the area under national jurisdiction must not be envisaged without some special qualifications.

20. The principle of freedom of access for all States parties should be preserved, as I stated before, but the State having jurisdiction for the exploitation of resources over the area where the installation is placed should be consulted before the verification is carried out and should participate in the process of verification. I do not mean that its consent should necessarily be required, because if that were the case the principle of freedom of access could be rendered nugatory. I do mean that in the area beyond the milage adopted by a treaty, but still within the limits of the national jurisdiction over the sea-bed, the right of verification should be exercised with the participation of the State having sovereign rights for the exploitation of the area concerned, and in any case this verification must not interfere with the peaceful uses of that area. I am confident that this Committee will find the appropriate formulation to meet the points I have raised.

21. The last point I wish to make at this stage concerns the problem of the measures to be taken in the event of any verified violation of the treaty.

(Mr. Frazão, Brazil)

22. The system of verification and control to be provided for in an international agreement should not be limited to the possibility of checking and actually proving the existence of installations placed on the sea-bed in violation of the provisions of the treaty. Additional measures should be contemplated to counter such violations, which by themselves would jeopardize international peace and security.

23. In our view the system to be provided for the implementation of the additional measures might be linked with the Security Council of the United Nations. A well-grounded denunciation of a violation of the treaty, addressed to the Security Council, should then be followed by appropriate action by that Council aimed at the re-establishment of the previous conditions of security in the affected area.

24. In still another situation, related to the system of verification, the possibility of recourse to the Security Council could also be useful and constructive. I have in mind the possibility of conflicting opinions on the quality and purpose of an installation inspected by two or more States.

25. In a matter of such importance the State or States concerned should have the faculty to apply to an authoritative organ, which should have the power to ascertain the character of the disputed purpose of a certain installation. This being a question that might have a direct bearing on the maintenance of international peace and security, it is only proper that the Security Council should settle any dispute arising from the conflicting opinions presented by one or more verifying States.

26. In presenting the comments of our delegation on some of the relevant aspects of this issue we are trying, in the first place, to furnish positive and constructive collaboration towards the achievement of a treaty on the demilitarization of the sea-bed, the ocean floor and the subsoil thereof.

27. I have not taken final and conclusive positions on the several questions raised in this intervention, as we are prepared to consider alternative proposals and suggestions that may lead us to the common and far-reaching goal we are all pursuing here.

28. The CHAIRMAN (Canada): Since no other representative wishes to speak I should like, speaking as representative of Canada, to draw attention to a document which has been circulated this morning under the symbol ENDC/248 of 21 May 1969 in the name of the delegation of Canada. That document is intended to provide further background on seismological research and activity which is being carried on in

(The Chairman, Canada)

29. We have already circulated a paper -- document ENDC/244 of 17 April -- and the present paper expands on the earlier one by including a number of new articles. It also provides relevant abstracts in some cases.

30. We are circulating the document with the realization that most delegations, like our own, lack the resident scientific experts, but we do hope that the details in the document may be of some interest to the relevant authorities in the various capitals.

The Conference decided to issue the following communiqué:

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 413th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador G. Ignatieff, representative of Canada.

"Statements were made by the representatives of Brazil and Canada.

"The delegation of Canada submitted a working paper listing recent Canadian scientific papers on seismological research, with abstracts now available (ENDC/248).

"The next meeting of the Conference will be held on Thursday, 22 May 1969, at 10.30 a.m."

The meeting rose at 11 a.m.